

CANTERBVRIES

Crueltie,

CO VVORKING VVITH

His Prelaticall brethren, in the persecuting
of Peter Smart, and other godly Protestants,
for withstanding their superstitious
proceedings in the bringing of
innovation into the
Church.

With their insulting treachery secretly wrought
against his Majesty, our Religion, lives, and liberties.

Humbly presented to the consideration of the right hono-
ble the Lords and Commons in Parliament assembled

By Peter Smart.

Psal. 44. 23, 24, 25, 26.

23 Awake, why sleepest thou, O Lord! arise, cast us not off for ever.
24 Wherefore hidest thou thy face? and forgettest our affliction, and
our oppression.
25 For our soul is bowed down to the dust, our belly cleaveth unto
the earth,
26 Arise for our helpe, and redeem us for thy mer.ies sake.

Psal. 35. 11.

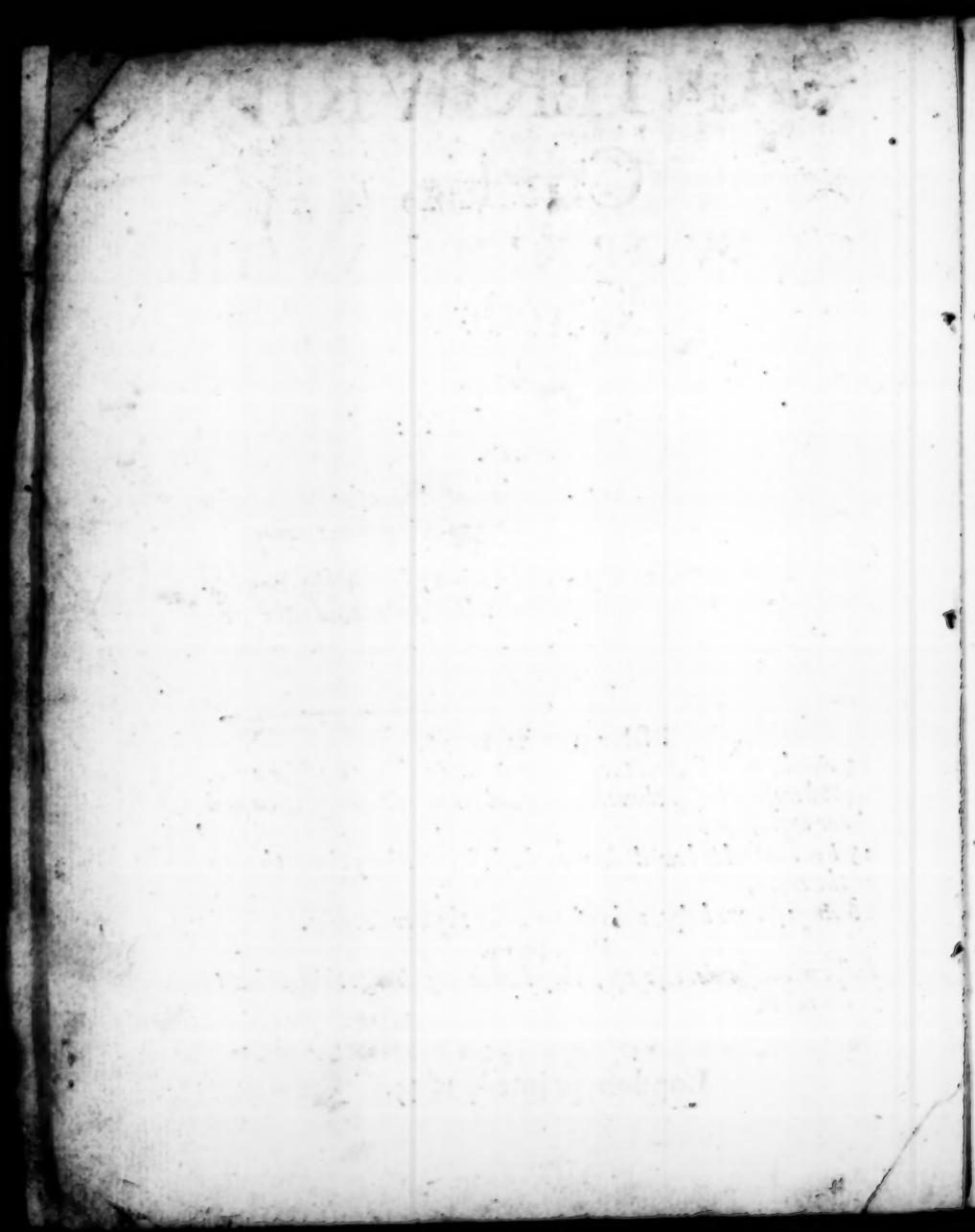
False witnesses doe rise up, they laid to my charge things that I
knew not.

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London, printed, 1643.

21 Mar 1712/13







TO THE RIGHT
HONOURABLE
THE
LORDS and COMMONS
Assembled in
PARLIAMENT.

Right Honorable.



Y long and miserable
troubles and persecuti-
on by the Bishops and
high Commissioners
of Durham, London,
and York, only for do-
ing my duty, being my
selfe an associate of the
said commission, and a senior residuary of
A 2 Durham,

Durham, and thereby authorised to defend the Church against Innovations, Popish superstition and Idolatry, which from time to time I withstood, my troubles, I say, are not unknown to your honors, and the great losses of living & liberty, besides their unchristian dealing, in casting me out of the Church and the Ministry, by excommunication and degradation for the space of 13 yeares, for no other salt but because I would not forsake the Church of England, and turne popish Arminian with B. Neal, B. Harsnet, and Bishop Laud, with their Chaplains and favourites, Doctor Cousin, Linsell, Burgoine, and others, of Durham, Yorke, and London, which in stead of punishment for their great offences against God, the Church, and the King also, whom they have beguiled, perverted and alienated from his best, most loyall, and religious subiects, they have been rewarded with many and great dignities and preferments, as is evident among other in Doctor Cousin, the most pragmaticall incendarie the Church of England hath, who though he hath spoken traitorous words against the King, that hee is no more head of the Church than the fellow that

that rubs his horses heells, that the King hath no more to do with Church matters of judging and censuring than his grey horse, which was proved by oath, both before the Lords this Parliament, and the jury at the assises in Durham 1629. who said openly in my hearing, and many others, that Calvenists were worse then Papists, and Calvin himselfe worse then a Jesuite, that the reformers of the Church when they tooke away the Mass they marred our Religion, and instead of Order they brought in Ordure, that it was called a Reformation, but it was indeed a deformation. This Cousin hath defiled the church of Durham and the service therein, with Images and Altars, and many superstitious & idolatrous ceremonies, as he hath done all other places weere he had to doe, and for this cause being so wicked a beast, and so cruel in persecuting me, he hath been greatly in Bishop Neal and Bishop Lauds favour, they have rewarded him with many preferments, two benefices, a rich prebend, an Archdeaconry, made M^r of a colledge in Cambridge, and since he was censured by this Parliament, and made incapable of any place in the Church, he is advanced to the

Peter House

the Deany of Peterburrough, & by the practises
of these two Bishop Laud and Doctor Cousin :
I have been spoiled of all living and liberty, and
excluded out of the Church and Ministry :
And when it pleased His M a j e s t y to
command that I should have iustice , Bp. Laud
found means to hinder me always inveighing
bitterly against me , calling me a seditious and
factious man, as any was in the world , as may
be proved by witnesses in London, if your Hon-
ors had leasure to heare and examine them.

I hum bly beseech yout Honors to pitty my
distressed state, who have nothing at all to live
upon, all that I have being detaineid from me in
the North, and my brother Mr. John Smart kept
in prison all this winter , and now laid in the
dungeon by Popish Iustices, because he will not
enter the Covenant againstt the Parliament.

I am drowned in debt by maintaining this
Parliament, about 36 witnesses horse and men
from Yorke, Durham, and Northumberland, for
the space some of them of 18 moneths , which
with other expences about the parliament suits
hath cost me within these foure years above
1300 li.

I was sent for by processe from the Parlia-
ment

ment, 1628 with above 30 witnesses to my great charges, and when thar Parliament brake up, I was persecuted by B. Neal, and B. Laud in the high commission, and utterly undone by them and their instruments. I have done all that lyeth in me to maintain the cause of the Church and authority of Parliament, refusing all compositions with the impeached, relying upon the Honorable house of Commons, who promised from time to time to make good the impeachment, wishing me in no case to agree with mine adversaries. Therefore I pray you right Honorable Peers for Gods sake to pitie my case, and to grant me large help out of Bishop Lauds state, either his books or otherwise, who hath beene the most mischievous enemy to mee, and the greatest abetter and supporter of Doctor Cosin, Linzell, Duncan, &c. my cruellest persecutors, and destroyers of our Orthodox Pastors, and Churches. Again, I beseech you have compulsion of my miserable sufferings these 16 years, and let not Bishop Laud scape the punishment he deserved by wronging mee above all others, who never did him hurt, So shall you please God.

God, and satisfie the expectation of all good men, in punishing the oppressors, and succouring the oppressed, which becommeth the iustice, wisdom, and charity of the great Counsell, of the Kingdom of England.

Your servant, and suppliant, willing to spend his life, and all that he shall get by your means, in the service of the Parliament,

Peter Smart.





He corruptions and disorders Superstitions and Idolatries of the Church of *England*, have lately growne to that height and power, that if God in mercy, had not looked upon it, and stirred up the heart of our gracious King to give way to a Reformation: And the heroicall spirits of the great Counsell of the Kingdome, this renowned Parliament, had not been miraculously resolute, and resolved to goe on couragiouly, to overcome all difficulties, and prosecute prudently that excellent worke of Reforming the Church, we had lost our Religion; wee had been robbed of that pretious Pearle the Gospel, at least the efficacy and power thereof had been so abated and weakened, that it would have beene fruitlesse unto us, the Church of Christ being overwhelmed, with popish Superstition, and Idolatry, Ignorance and Atheisme. The causes of which are evidently knowne to all religious, and understanding people to have been these two.

1 First, the tyrannicall government of pompous Prelates, and their flanting followers, Archdeacons, Deans, Chancellors, Commissaries, &c. which being for the most Idol Shepherds, idle Drones, and Loyterors, or supporters of such, so they countenanced, cherished, and rewarded, with preferments and dignities

ties, few or none that were not like themselves; contrariwise they persecuted in all places (to which their power could extend) all faithfull and painfull labou-
ters in the Ministry, all profitable Preachers and Le-
cturers: such they vexed in their spirituall Courts, and
high Commissions, they rooted them out wheresoe-
ver they were planted.

As a reverend Divine plundered and robbed of all his means, preached lately in Westminster. A barren and fruitlesse tree, said hee, good for nothing but the fire, may stand, grow, and flourish long enough, they will not take the paines to cut it downe. But all their spight is at fruitfull trees, they will hinder them what they can from bearing fruit, and the people from gathering such fruit as they bear, down they must for no other fault, but because they bear good and wholesome fruit. As appeared by the Bishops late persecution, of them that prached twice a day, especially if they pre-
ached against Arminianisme, or popish Superstition: likewise against them, that having no Preacher of their owne, but a Liturgy-reading Sir *John*, went to other Parishes to heare Sermons, and if they met together to repeat Sermons, that was a Conventicle, that was a hor-
rible offence against God, the King, and the Church: the Sumner, and Gaoler must take them in hand, to prison they must go, and be utterly undone.

Againe, how terribly dealt our Bishops with them that made conscience of reading the booke of piping and dancing, upon Sundays the Sabbaths of the Lord: of reading it I say in the Church in the tyme of divine Services, where, and when the book of common prayer

com-

commandeth, nothing but the pure word of God be
read.

2 The second cause of hindring the power and propagation of the Gospell, is the booke of common prayer which they abused to the destruction, not edification of peoples faith: to the mayntenance of superstition and ignorance: to the shouldring out of Sermons, by making reading as good as preaching: to please the people with pompous Ceremonies, and to keep them in slavery under beggerly rudiments, which had a shew of holinesse, of piety and devotion, in giving worship to Saints and Angels, Altars and Images of godly men Confessors, and Martyrs: but in deed they undermined, and defiled all true Religion and godlinesse: they scandalized the consciences, of both strong (in their own conceit) and weak Christians, for they were made to believe, that they served God, and our Lord Christ, in their Idoll services, without understanding and edification of their faith, when in truth they served the Devill, and Antichrist, and their own carnall pleasure. Especially in Cathedrals where the peoples cares are filled with delicate tunes of singers, and players upon Musicall Instruments: and their eyes fed with heart-ravishing contemplation of admirably painted Organs and Altars; and with pompous spectacles of glittering pictures, and histrionicall gestures, of Cope-wearing Canons, &c.

These two Episcopacy, and the Lyturgy, Diocesan Bishops, and the book of common prayer, they cannot stand unlesse they stand together: neyther can they fall unlesse they fall together. No common prayer

book, no Ceremony : no Ceremony, no Bishop : and again, No Bishop, no Ceremony : no Ceremony, no Common prayer book : The Bishop is disarmed of his weapons of Hierarchisme without Ceremonies, & the Common prayer booke is naked, without the helmet and buckler of defensive Ceremonies : The Bishops rod wherewith he whippeth both Clerks and Laicks in the Church, and out of the Church is a bundle of some long, some short ceremoniall twigs, all springing out of the branches the Rubricks of the Liturgies tree. This tree as it groweth they grow and flourish, as it withereth and dyeth, so Rites and Ceremonies devised by man, decay and dy with it.

This makes our learned Bishops Doctor *Hall*, and Doctor *Morton*, as their predecessors B. *Whitgift*, and B. *Bilson* joyn the maintaynance of them both together, they strive for the Liturgy, as earnestly as they do for Episcopacy. On the other side they that would abolish the Diocesan Bishop with his two hands the Dean and the Archdeacon, by no means will allow the Common Prayer.

Now it may easily be made to appear that the Bishops, Deans and Archdeacons, especially they of *Durham* and *Yorke*, B. *Neale*, B. *Harfenet*, (with theyr abettors B. *Lawd*, *Montague*, *Wren*, *Pierse*, &c.) have corrupted and destroyed with their Innovations the Book of Common Prayer, there need no other Arguments to convince and overthrow the Liturgy and Episcopacy, they mutually abolish and destroy one another.

But see I pray you how contrary the Bishops of our time

time are to their predecessors in the beginniug of
Queen Eliabeths Raigne, as appeareth by this Letter
written to her Majesty.

1. Although most Soveraigne Lady, we have divers, and
sund y other suites to your Highnesse presently to be made,
concerning the outward state of our vocati ons and the suc-
cession thereof.

2. Yet we thought it our bounden duty being nominated
to such spirituall Offices, as we be, by your Highnesse.

3. First according to the Gospell, to seek for things tou-
ching the Kingdome of God, and the righteousness thereof.

4. We therefore having felt in our selves, and heard in
others the great offence conciev'd upon the restoring of the
Crucifice, Candles, &c. erected, as Epiphanius writeth,
contrary to the authority of Scripture, and repugnant to our
Religion.

5. And sounding to your Majesties dishonour, as we
feare (and tending) to the discredit, as well of our Ministry
as of your visitors, sent out into all parts of the Realme, by
your authority.

6. We humbly beseech your grace, that as they were now
suddainly and unlooked for, set up in your Chappell, so may
they be removed again, before the example, and offence be
far spread abroad.

7. Left beside the burthen of conscience, many grievous
and perilous inconveniences in policy rise thereof.

8. If we sh.uld suffer these things to passe in silence we
might peradventure seem little to regard the dangers that
might ensue thereby.

9. And so were unworthy to occupy the roomes your Ma-
jestic hath nominated us unto.

10. Thus expressing to your Maiestie our most humble
suits; proceeding upon no other ground, then of duty towards
God, our Zeale towards your graces honour, quietes of your
Realm, and the discharge of our consciences, we wish your
Highnesse much prosperity, long to raigne over us, to Gods
glory and your honour with quiet of conscience.

Your Graces most humble Orators,

Matthew elect Cant. Parker.

Edmund elect London Grindall.

Richard elect Ely Cox.

William elect Chichester Barlow.

John elect Hereford Scory.

1. By this it appeareth, first how different the Bishops were in the beginning of Queen Elizabeths raigne, from most of the Bishops of our time, which busie themselves in nothing more, then in setting up Altars with all manner of superstitious Altar-furniture, crosses, crucifixes, candles, candlesticks, &c.

2. Our Bishops think it their bounden duty, as soon as ever themselves are consecrated, to fall to the consecration of Churches, Church-yards, Altars, Organs, Images, crosses, crucifixes, tapers, &c.

3. Our Bishops thinke they seek the Kingdome of God and the righteousness thereof, when they perswade his Majesty to restore Altars, Organs, Images, and all manner of Massing Trinkets, more brave then ever they were in the time of Popery.

4. Our Bishops, viz. Neale, Lawd, Lindsell, Harfnet, Wren, Piers, Montague, &c. teach and maintaine stoutly, that Altars, Images, crosses, crucifixes, candlesticks,

dlestickets, &c. are not repugnant to our religion, nor contrary to the authority of Scripture; Impudently contradicting therein the ancient Father *Epiphanius*: and they are so far from taking offence at the restitution of them, that they persecute with all cruelty and extremity those that hinder the restitution of them to Churches, out of which by law they have been ejected above eighty yeares ago.

5. Our Bishop *Neal*, *Lawd*, &c. think it a discredit to their Episcopall government, and a dishonor to the King, if they should be hindred from setting up Altars, Images, candles, &c. and adorning the Church with other costly furniture, the piety of the times requiring the whore of *Babylons* garish ornaments, to adorne the chaste and modest spouse of Christ, as our Homilies tearme them: which the Queen by her authority to visitours sent out to all parts of the Realme, had cast out, as appeareth by the Injunctions, and Canons both Latin and English, published in the beginning of her Raigne.

6. They humbly besought her Grace, that as Crucifixes and candles, &c. were on a suddain, and unlooked for, set up in her Chappell, out of which they had been cast but a few dayes before, so they might quickly be removed again, before the offence and example be far spread abroad.

But these our new reforming Priests and Prelates, after eighty yeares ejection of Altars and Images, candle and candlesticks out of all Churches, would have them brought in again according to the patterne, and after the example of the Kings royll Chappel. And though they

they know that they are offensive to all reformed protestants, as they were to the Reformers *Parker*, *Grindall*, &c. yet they labour with all might and main, that the offence thereof may be spread through all the Kings dominions, both Cathedrall and Parish Churches, though it tend to the dishonour of God, scandall of religion, disheartning of zealous Protestants, encouragement of Papists, and their brethren the rotten hereticall Arminian Sectaries.

7. It is no burthen in conscience to our Altar-building Bishops and their ceremonious Chaplaines to adorne their Altars with crucifixes candles, &c. neyther fear they any grievous inconveniences in State as Bishop *Parker*, Bishop *Grindall*, &c. did.

8. These are not onely content to passe in silence, as little regarding the danger that might ensue the setting up Altars and restoring Images, after they were cast out, as Bishop *Parker*, &c. did, but they regard too much, they labour and cry mainly to have crucifixes, candles, &c. brought in again.

9. Whereby they shew themselves unworthy the rooms and names of Bishops to which they are called by the King, because by connivance the learned Bishops among them suffer the bad to corrupt the Church with Idolatries and superstitious ceremonies.

10. This was the humble suit of Bishop *Parker*, and the rest made to the Queen, upon their first entrance unto their Bishopricks: grounded upon their duties toward God, zeale to her honour, quiet of the realm, and discharge of their consciences.

Novemb. 3. 1640.

To the Honourable, the Knights, Citizens,
and Burgesseſſ of the Commons House
of PARLIAMENT,

*The humble Petition of Peter Smart, a poore
prisoner in the Kings Bench,*

Humbly sheweth,

1. Hat after the death of Bishop *James*, Bi-
shop *Neale* coming to the See of *Dur-
ham*, the then Deane and Prebendaries
of that Cathedrall Church cast the
Communion-Table out of the same
Church, and erected an high Altar at
the East end of the Quire, of Marble
stones, with a carved screen most gloriously painted and guil-
ded, which cost about two hundred pound.

2. And they bought for forty shillings one Cope found in a
search for Masse-Priests, embroydered with the image of the
Trinity, and other Images; and another Cope which cost
about ten groats, which had beene a long time used by the
Youth of *Durham* in their Sports and May-gaines: a very
fooles

fooles coat, both which Copes they used at the Administra-
tion of the holy Communion at their Altar.

3 To which Altar themselves both did, and forced others
to use most unreasonable frequent bowing.

4 D *Cofin* officiated thereat with his face toward the East,
and back toward the people.

5 They (the Deane and Prebendaries) did likewise take
away the Morning Prayer, to which about two hundred per-
sons did usually resort, used for the space of about sixty
yeares in the Cathedrall Church of *Durham*, as in all other
Cathedrall and Collegiate Churches in *England*, to be read
at six a clock plainly and distinctly in a peculiar place appoint-
ed for that purpose by Commissioners under the great Seale
of *England*, *Septemb. 25. primo Eliz.*

6 And instead thereof altered the same into singing with
Instruments, without reading any Chapters or Psalmes at the
ordinary ten a clock Prayer.

7 They did likewise set up fifty three glorious Images and
pictures over the Bishops Throne, and about the Quire in the
said Church.

8 And they burnt two hundred waxe candles in one Can-
dlemas night in honour of our Lady.

9 They brought in sundry other superstitious and unwar-
rantable obseruations into that Church.

10 To the obseruation whereof they forced divers, and
publikely brawled in the time of Divine Service in the
Church with others, who would not observe the same; cal-
ling them lazie sowes, and dirty whores, tearing some gen-
tlewomens apparell; calling them Pagans, and thrusting
them out of the Church, who refused to obey them therein:
for which violent, turbulent demeanour D. *Cofin* was twice
indicted at the Quarter-Sessions holden at *Durham*.

11 Some

10. 11. Some of them preached in a Cope and sate to heare Divine Service in a Cope in the said Cathedrall Church.

12. And others of them, *viz.* D. Cofin, preaching in the said Church upon the Parable of the tares, delivered this doctrine, *That the reformers of the Church, when they took away the Mass, took away or mar'd all Religion, and the whole Service of God;* And that it was a deformation indeed, though they called it a reformation.

13. And he, the said D. Cofin, publikely maintained, that the Kings Majesty is not supreme Head of the Church in England, nor could be so called, for that he had no more power to meddle in Ecclesiastical matters then the fellow that rubs his horses heales, for which he was indicted *Anno 1629.* at the Assizes at Durham, and found guilty thereof by the oathes of three men of worth: which indictment remaines yet untraversed.

14. Your Petitioner being a senior Prebendary of that Church, and one of His Majesties High Commissioners for Causes Ecclesiastical in the Province of York, and in judgment and practice punctually conformable to the Doctrine and Discipline established in the Church of England, opposed the same innovations, and doctrines, according to his place and calling.

15. But not prevailing therein, he in July 27. 1628. according to the third Injunction, preached in the said Church, against the said Innovations; for which Sermon he was presently convented before the High-Commission holden at Durham, and before any Articles exhibited against him, suspended, and his living sequestred. And after his answer upon oath to the Articles, and sixe moneths detention in the said High-Commission, where he was proceeded against with all rigour and extremity, according to the expresse command

(as some of the High Commissioners in open Court said) of some Bishops in *London*.

16 He was served with a Warrant under the High Commission Seale for the Proviace of *Canterbury*, and hands of *William L. Bishop of London, Samuel L. Bishop of Norwich, D. Caesar, and D. Sammes*, to appeare before the High Commission holden at *London*, and there forced againe to take his Oath *Ex Officio*, and to attend above a quarter of a yeere for Articles, which were pretended to be matters of high nature against him.

17 And was afterward remanded without any Articles to *Yorke*, where in August 1630. they proceeded to sentence *ex parte*, having denied your Petitioner a Commission to examine witnesses on his behalfe: where he was excommunicated, degraded, fined seven hundred pound, and imprisoned, for oppositing and preaching against the said Doctrines and superstitious Innovations.

81 Notwithstanding that, *D. Cofin*, and one *M. Burgoyn* were indicted in August, 1629. at *Durham Assizes* upon severall Bills, and found guilty thereof, which remaine likewise untraversed; this legall conviction notwithstanding, the said *D. Cofin* since is made one of His Majesties Chaplains in Ordinary, admitted to his Degree of Doctor, Master of *Peter-House in Cambridge*, and Vice-Chancellor of *Cambridge*, also Dean of *Peterborough* (beside foure great livings he had before) and all proceedings upon the former indictments against him stopped.

19 That your Petitioner was two severall times impriso ned at *Yorke* before their said sentence, for which injurious imprisonment he commenced his action at law against some of the said high Commissioners, and obtained Judgment thereupon,

thereupon, and sixe hundred pound damages, yet cannot have any fruit thereof.

20 That your Petitioner petitioned, and preferred Articles into the High Commission in *London* against the said Dean and Prebendaries for the said Doctrines, and Innovations, profering to give good security to prove all the said Articles: But the said Petition and Articles were utterly rejected by the said Court, who said, they would not suffer such worthy men to be questioned.

21 That your Petitioner hath been kept in prison upon the said sentence in great penury and want almost ten yeares, and lost both his dignity, and Parsonage, and whole estate, whereby he, his wife and children are utterly ruined in their persons, posterity, and fortunes.

22 That your Petitioner is now, and hath been above twelve moneths close prisoner, and His Majesties most gracious Reference in his behalfe unto the now Lord Bishop of *Durham* revoked; upon pretence that he was lately at *Glasgow* in *Scotland*, preaching and instigating the Scots against Episcopall government; whereas he was never at *Glasgow* in his life, nor in *Scotland* these twenty four years past: nor had directly nor indirectly any intelligence with the Scots.

23 In tender commiseration whieeof, your Petitioner most humbly beseecheth your serious consideration, both of his miserable distressed condition, and great opressions: as also of the said Innovations and offences of the said D. *Cofin*, and the other Prebendaries of *Durham*, with their abettors, who persecuted and censured your Petitioner: And to take such course, both for your poore Petitioners releife and release; As also for reformation of the said Doctrines, Innovations, and proceedings, and prevention of the like hereafter, as to your great wisdome shall seeme meet.

And

And for that your Petitioner is much decayed in his health, by reason of his late restraint, and very poore: he humbly beseecheth you presently to give order for his release from his close imprisonment; and that he may have present Execution upon the said Judgment for the said sixe hundred pounds, whereby he shal be enabled to prosecute and prove this his most just complaint against all his adversaries. And your Petitioner shall pray, &c.



A Speech made before the Lords by M. Francis Rous Esquire, March 16. 1640.

Against D. Cosin, and many others impeached by the House of Commons in M. Smart's Cause.

My Lords,

I am commanded by the House of Commons, to present to your Lordships a Declaration and impeachment against D. Cosin and others, upon the complaint of M. Peter Smart, which M. Smart was a Protomartyr, or first Confessor of note in the last dayes of persecution.

The whole matter is a tree, whereof the branches and fruit are manifest in the Articles of this Declaration, which being read, I shall (with your Lordships favour) discover and lay open the root.

The Declaration was read, consisting of eighteen Articles delivered to the Lords in writing.

The

The Commons Declaration and Impeachment upon the Complint of Peter Smart Clerk, late Prebendary of Durham, against John *Cofin*, Doctor in Divinity, Ferdinando *Morecroft*, George *Morecroft*, William *James*, John *Robson*, Gabriel *Clerke*, Eleazer *Duncum*, and Thomas *Caere*, Prebendaries of Durham: and against William *Lawd* Archbishop of Canterbury, Sir Charles *Cesar*, Sir John *Lamb*, William *Sammes*, Edmund *Pepe*, D. *Aylott*, High Commissioners of the Province of Canterbury: and against John *Scott* Dean of *Yorke*, Phineas *Hodson*, Henry *Wickham*, George *Stanhope*, Prebendaries of *Yorke*, Sir George *Radcliffe*, William *Easdale*, John *Bramhall* now Bishop of *Derry* in *Ireland*, Richard *Perrott*, Edmund *Kay*, Richard *Marsh*, Timothy *Thriscroffe*, Robert *Faucon*, Henry *Thriscroffe*, John *Lively*, Tho. *Burwell*, High Commissioners of the Province of *Yorke*, and Roger *Blanchard*, Purfeyant to the said High-Commission, and against Sir Francis *Windebanke*, for severall crimes and misdemeanours.

The Impeachment.

I **T**hat after the death of D. *James* late Bishop of *Durham*, D. *Neale* succeeding him in that Bishoprick, during the time he was Bishop, the said D. *Cofin*, Ferd. *Morecroft*, George *Morecroft*, William *James*, John *Robson*, Gabriel *Clerk*, together with Richard *Hunt* late Deane, and others late Prebendaries of *Durham*, took away the Communion Table of that Cathedral Church, and erected an Altar of Marble stones set upon columns, with many Cherubims thereupon, and a carved screen curiously painted and gilded set over the same. Which Altar, Copes, Organs, Images, Pictures, with other furniture, and unlawfull alterations in the said Church cost the said Deane and Chapter above two thousand pound.

To which Altar thus set up were frequent bowing, which bowing did increase after D. *Cofin* came to be Prebend there, few going or coming into the said Church without low obeysance: And

and D. *Cofin* did officiate at the said Altar with his face toward the East, and back toward the people, at the time of the Administration of the holy Communion.

2 That the said Dean and Prebendaries bought one Cope found in a search for Mass-Priests, whereupon was imbroydered the image of the Trinity : *viz.* an old mans face, a crucifix, and a dove; and other two Copes, one having a crucifix upon it, which because they were short, they cut and made into one, whereby the crucifix fell upon the hinder part of him that bare it. And another Cope which cost about two hundred pound, which Copes they frequently used at the Administration of the holy Communion at the said Altar, some of them preaching in a Cope, and sitting to hear Service in a Cope in the said Church.

3 That the said Deane and Prebendaries did also bring in and practice in the said Church sundry innovations in divine Service, both in time, place and manner, changing the Morning Prayer, to which about two hundred persons usually resorted, used for the space of sixty yeares in the Cathedrall Church of *Durham*, to be read at six a clock plainly and distinctly in a peculiar place appointed for that purpose by Commissioners under the great Seal of *England*, *Septemb. 25. primo Eliz.* into solemne Service and singing, both instrumentall and vocall, whereby it was brought into so late an hour, that some who formerly frequented the old Morning Prayer, could not attend this. And Judge *Hutton* in particular complained, that the longnesse and latenesse of it was inconsistent with publike imployments. And afterwards they took the old Morning Prayer quite away for divers yeares, and instead thereof divided the ordinary Morning Service, making two of one, whereby there were neither Chapters nor Psalmes read at ten a clock Prayer.

4 That the said Dean and Prebendaries set up and renewed many gorgeous images and pictures, three whereof were statu-
of

of stone, one of which standing in the middest, represented the picture of Christ, with a golden beard, a blew cap, and Sun-rayes upon his head.

5 That the said Dean and Prebendaries did use an excessive number of candles: more upon a Saints day, then upon the Lords day; And caused the same candles to be lighted in the said Church, in a new, strange and superstitious manner, burning two hundred wax candles in one Candlemas night, whereof there were about sixty upon and about the Altar, where there was no use of light, nor Service then said: whereupon a Popish Priest spake, let us Papists resort to the said Church, to see how *D. Cosin*, and the Prebendaries of *Durham* doe play our apes. *D. Cosin* set up some of these candles himself, and caused others with ladders to set up more round about the *Quire*, some of which the said Dean sent his servant to take down; but *D. Cosin* did struggle with him in time of prayer, to the great disturbance of the congregation: the manner of lighting the candles was this; they caused two Choristers, in their Surplices to come from the West end of the *Quire*, with lighted torches in their hands, who after sundry bowings by the way, to and at the Altar, did light the candles upon the same with their torches: which done, they returned backward with many bowings, their faces toward the Altar, till they came to the *Quire* doore: which ceremony of lighting the excessive number of candles came into the said Church after *D. Cosin* was Prebendarie.

6 That the said Dean and Prebendaries did absolutely forbid and prohibit the Psalms in Meeter to be sung before and after Sermon, and at the Administration of the holy Communion: and instead thereof turned prayers and peeces of reading Psalmes into Anthems and caused them to be sung, so that the people understood not whether they were prayers or no. Whereupon *D. Cosin* observing that they kneeled not, sent Vergerers to some to command them, and spake to others himself, saying, *Masters you must kneele, it is a prayer, you must kneele.* And they caused

an Anthem to be sung which was not the Word of God; as namely the three Kings of Cullen: *Fafpar, Melchior, and Balthazar*, and caused the Organs to play, and the whole Quire to sing, at the Administration of both the Sacraments, to the great disturbance of those holy Actions.

7 That the said Deane and Prebendaries caused many pictures, and carved Images (besides those that were in the said Church) to be set upon the Font, amongst which was a Dove carved, and the foure Evangelists, and *John* baptizing *Christ* in *Jordan* painted; which did appeare at the opening of the Font: which Font they caused to be removed from the ancient usuall place in the Quire, where it formerly stood; and placed it out of the Quire, where divine Service is never read.

8 That the said Dean and Prebendaries did cause a knife to be kept in the Vestrey for cutting of the Sacramentall bread, being appropriated only for that use: And was commonly called, knowne, and shewed to those who came to see the gay ornaments of the Church, by the name of the consecrated knife. And *D.Cofin* did consecrate the cushions and forms by crossing them, before the people came to the Communion.

9 That the said Dean and Prebendaries did employ a Painter, and Glasier(profest Papists) to serve the said Cathedrall Church in their severall uses: and brought in, and practised in the said Church severall other superstitious Innovations tending to Idolatry.

10 That *D.Cofin* preaching in the said Church upon the parable of the tares, said, *That the reformers of our Church, when they tooke away the Masse, tooke away or mar'd all religion, and the whole service of God: they called it a reformation, but it was indeed a deformation*: And that the Masse was not so taken away, but that the presence of Christ still remaineth; and that if the reformation were otherwise, it were not a reformed but a deformed religion. And that he meant of a corporall presence was plain, for that he complained afterward in the said Sermon, that some had thrust out

out the presence of Christ : and he likewise said, that in Q. Elizabeth's time when Popery was put out, the reformation was a deformation, and instead of bringing in order, they brought in ordure.

11 That D. *Cofin* perfwading a Papist to come to Church, said, that the Body of Christ was substantially and really in the Sacrament : and shewing him the new Service-Book intended for *Scotland*, he said, it was all one with theirs of the Romish Church, for there was in it, the *Introit*, the *Epistle, Gospel, Offertory, Canon, Consecration, Communion & Post-Communion*.

12 That D. *Cofin* at a publike dinner said, That the King was not supreme Head of the Church in England, nor could be so called; for which, and introducing and practising of severall the said Ceremonies, he was indicted at the general Assizes in *Durham*, 1629. and *Billa vera* returned, & spoke other scandalous, scornfull and malicious words against His Majesties supremacy.

13 That thele innovations in the Communion-Table, Font, Candles, Pictures, Images, Copes, Singing, Vestments, Gestures, Prayers, Doctrines, and speeches of the said *Cofin*; & the other alterations being unlawfully introduced, & practised in the said Cathedrall Church by the said Dean & Prebends, *Peter Smart* one of the Prebends aforesaid, opposed the same, and in discharge of his duty, place and calling did upon July 27. 1628. being the Lords day, preach in the said Church against the same, reprobryng these innovations, & innovators, & exhorted the people to keep themselves from the infections of them, in which Sermon there was nothing scandalous, nor disagreeable to the Word of God, the Doctrine and Discipline of the Church of *England*.

14 That notwithstanding the said D. *Cofin*, both upon M. *Smart's* reading his Text, and going on in his Sermon suitable therunto: very turbulently demeaned himselfe in the said Church; and the Sermon being ended, M. *Smart's* troubles began, for there was not one day set betweene his preaching and his punishment, for the said D. *Cofin* and *William James*, together with others since deceased, the same Lords day did send a Warrant in the nature of an Attachment, under the high-Commission seale for that Province, by two Purseavants, to convert him before them: whereupon he personally appeared, and delivered to them the imperfect notes of his Sermon, which were sealed up, and he ordered to attend the next day, that the same might be truly copied out as he preached them, and as he should deliver them upon oath, and be bound in a Recognizance of 100. pound to appear before them upon a days warning: but the said Dean and Prebendaries contrary to their order, did break up the seales, and wrote out severall copies of the imperfect notes, and sent them to *London* to severall Bishops. And the same day D. *Cofin* asked the advice of a Counsellour, whether he might not break open M. *Smart's* doors to search for papers, adding this reason, because

the Lords of the Counsell did so. And afterward the said Dean and Prebendaries, with *John Lively* and *D. Easdale*, were informers, prosecutors and Judges for six moneths against the said *Peter Smart* at *Durham* for the same, where they censured him by two Acts of Sequestration, and one of Suspension, and kept him *ex officio* in continual personal attendance under great bonds, and paines of excommunication about foure moneths before there were any Articles exhibited against him; and five moneths before any Proctor was allowed him, and after he had therre answered Articles upon oath, and six moneths detention before them; they caused a Warrant under the High-Commission Seal for the Province of *Canterbury*, and hands of *William Laud* Bishop of *London*, *Samuel Harsnet* Bishop of *Norwiche*, *D. Caesar* and *D. Sammes*, to be served upon him for his appearance at *London*; and afterward by Act in Court unlawfully transmitted him to *London*, to answer in the High Commission there for the same cause.

That the 12. of February 1628. *M. Smart* appearing at *London* before *William* then Bishop of *London*, now Archbishop of *Canterbury*, *Sir John Lamb*, *Edm. Pope*, *W. Sammes* and *D. Aleif*, together with others deceased, they forced him to take the oath *ex officio* again, to answer Articles, which the said Archbishop said were matters of high nature against him, and ordered him to be examined thereupon before his departure out of *London*; and to be proceeded against *ex officio*, because the said Dean and Prebendaries had recommended the cause thither: according to which order *M. Smart* attended severall times upon the Registrer of the said High-Commission to answer, but could never get any Articles. And the said 23. of April 1629. the said Archbishop, Bishop of *Ely*, and others did transmit him and the cause, with all the letters and complaints of the said Dean and Prebendaries against him unto *Yorke* unto the High-Commission there without any allowance of charges for his unjust vexation at *London*; because he was convented thither, and proceeded against upon complaint of the said Dean and Prebendaries, and refused to admit of *M. Smart's* Articles against them, although he offered sufficient bond of a thousand pound to prove the same, saying, they would not suffer such worthy men to be questioned.

15. That the 20. of June, *Samuel* then Arch-Bishop of *Yorke*, *Doctor Hedges*, and others, sent a Warrant under the High-Commission Seal for that Province, to convert him before them at *Yorke*: And upon his appearance forced him to take the Oath *ex officio* to answer Articles, and afterward unlawfully fined him five hundred pound by intimation, and certified the same into the Exchequer, and in November following committed him unlawfully to prison, and in December, committed him againe, and forced him again to take a fourth oath *ex officio*, to answer Articles Additionallly,

ditionalls, and continued him in vexatious attendance before them under great bonds untill the third of August 1630. when they proceeded to sentence *ex parte* : having sundry times before denied him a commission to examine witnesses on his behalfe, interrupted his counsell, and suffered not the Brief of his defence to be read ; And made many bitter invective speeches against him, and decreed that he should make a Recantation, *conceptus verbis*, as it should be delivered to him in three severall places, in *York*, and *Durham*, to be suspended totally *ab officio*, fined 400 pound, condemned in costs of suit, and committed to prison.

16 That the second of September following, they excommunicated him, November the 10 sequestred all his Ecclesiastical livings, and Novemb. 18. they degraded him, *ab omni gradu & dignitate clericali*, because he did not recant, and pay costs: by colour of which degradation, his Prebendship, which Doctor *Carre* hath most injuriously ever since enjoyed, and Parsonage were both taken from him, and he ever since hath been kept in prison, and layen under all the said severall censures, and indured divers other unconscionable, and unjust Acts and proceedings, both at *Durham*, *London*, and *York*; By which heavy and unjust oppressions, his life hath been severall times evidently endangered, and he and his children, lost and spent above 14000 pound of reall estate, whereby they are utterly undone.

17 That M. *Smart Pasch. 5. Car. Reg.* brought an action of false imprisonment in the Kings Bench, against D. *Hodgson*, D. *Eadell*, and Reger *Blanchard* their Pursevant, for their said two unjust commitments before their sentence, and after seven Termes spent in delties, and severall peremptory orders for them to plead, he obtained judgment upon a *nihil dicit*, and 600 pound damages upon a writ of Enquiry, which was returned into the said Court ; And by the then Judges over-ruled, and M. *Smart* ordered to accept a long and frivolous plea contrary to the opinion of Judge *Crook*; to which plea he demurred, but could not get it argued, whereby he never received any benefit or profit thereof.

18 That in July 1638 M. *Smart* having obtained his Majesties most gracious reference in his behalfe, unto the now Bishop of *Durham*, Secretary *Windebank* did revoke the same, by his Letter to the said *Bishop*; who upon receipt thereof, sent two Pursevants with a warrant under the High Commission seal for that Province, signed by himself, *Thomas Baywell*, and others ; whereby he was apprehended, and caried prisoner unto *Durham*, where he remained prisoner above six weekes : And from thence brought him prisoner in a cart to *London*, to the said Secretary, who remanded him prisoner to the Kings Bench ; and about two dayes after, by the said Secretaries command was taken out of his own chamber, and put into the com-

mon prison, where he remained about a moneth, and sixteen weekes more close prisoner, in his own chamber, upon pretence that he had been at *Glasgow* in *Scotland*, preaching and instigating the Scots against Episcopall Government : whereas he was never in *Glasgow* in his life, nor had directly nor indirectly any intelligence with the Scots. Vpon which his said imprisonment, he severall times petitioned the said Secretary, Lord Bishop, Arch-Bishop, and his Majesty, but could never get any release or examination thereof ; All which he hath, and is still ready to prove ; by which unjust, cruell, and illegall Acts, and proceedings, of the said Bishop, Dean and Chapter of *Durham*, and the said high Commission of *London* and *York*, religion hath been mightily scandalized, the Church polluted, Justice perverted, the lawes Ecclesiasticall and Temporall, and the lawfull liberty of the Subjects of this kingdome violated and infringed : And the said *Peter Smart*, his wife children and family most unjustly and unchristianly undone, and ruined, to the great dishonour of God, maintenance of injustice, and pernicious example to posterity.

All which said matters and things, the Commons do transmit to your Lordships ; and impeach all the said partyes delinquent, to the end that they may be called to answer their severall crimes, and receive such condigne punishment : And M. *Smart* such reparations joynly and severally from them all both for the said losses, and also for his daunmage hereby sustaine d, and that he be restored to his Ecclesiasticall dignity, and living : and all the said sentences, and proceedings may be declared to be illegall, and unjust. And that such further proceedings, examinations, tryalls and judgments be upon every of them had, and used, as is agreeable to law and Justice.

*As soon as this Declaration was read to the Lords,
M. Rous proceeded thus.*

My Lords,

I am now to discover the root of M. *Smarts* persecution : Your Lordships have heard of a great designe to bring in Popery : you have heard of armies of souldiers, and particularly of the Popish Irish Army, the burden and complaint of the Commons : but there is another Army not so much spoken of, and that is an Army of Priests : for since Altars came in (so they delight to be called) it is a saying of Gregory the great, that when Antichrist is come, *Præparatus est exercitus Sacerdotum*, there is an Army of Priests ready to receive him : this is fulfilled in our

our time, for certainly this Army of Priests doth many wajes advance the designe and plot of Popery.

A first is, by the subversion of our Laws and government : our Laws and Popery cannot stand together, but either Popery must overthrow our Lawes, or our Lawes must overthrow Popery : but to overthrow our Lawes, they must overthrow Parliaments : and to overthrow Parliaments, they must overthrow property : they must bring the Subjects goods to be arbitrarily disposed, that so there may be no need of Parliaments. This hath been done by D. Manwaring (whom we finde wanting yet not in the seats, but at the Barre of the Lords House) and the like by D. Beale, and I think it was the intent of the late Canons.

A second way, by which this Army of Priests advanceth this Popish designe, is the way of treaty : this hath been acted both by writings and conference : Sancta Clara himselfe saith, Doctissimi corum quibus-cunque egit: so it seems they have had conference together : and Sancta Clara on his part labours to bring the Articles of our Church to Popery, and some of our side labour to meet him in the way : we have a testimony that the great Arch-Priest himselfe hath said, It were no hard matter to make a reconciliation if a wise man had the handling of it. But I verily believe, as the state of Papacy stands, a farre wiser man then he cannot reconcile us without the loss of our Religion : for the Pope being fastened to his errours, even by his chaire of inerrability, he sits still unmoved, and so we cannot meet, except we come wholly to him. A man standing in a boat tied to a rock, when he drawes the rope, doth not draw the rock to the boat, but the boat to the rock. And Sancta Clara doth (in this somewhat honestly) confess it : for he saith he dealt in this way of treaty, not to draw the Church to the Protestants, but the Protestants to the Church.

A third way is a way of violence : this violence they exercise, partly by secular Armes, and partly by Priestly Armes, which they call spirituall : for secular armes, we have their own confession, that the late warre was Bellum Episcopale : and we have the Papists confession, that it was Bellum Papale : for in their motives they say, that the warre concernes them not only as Subjects, but as Catholikes : for so they falsly call themselves :

selves: and if it be so, then bellum episcopale is also bellum papale: in the Episcopall warre the Papall cause is advanced: for the spirituall Armes, thus they come to execucon. When a great man is coming, his sumpters, his furniture, his provisions go before: the Popes furniture, Altars and Copes, Pictures and Images are come before: and if we believe D. Cofin, the very substance of the Mass: a certain signe that the Pope was not farre off. Now these fore-runners being come, if any man resist them, fire comes out of the brambles, and devoures the Cedars of Libanus: the Army of Priests falle upon him with their armes of Suspension, Sequestration, Excommunication, Degradation and Deprivation. And by these armes hath M. Smart been oppressed and undone: he falle upon their superstitions and innovations, and they fall upon him with their armes: they beat him down, yea they pull him up by the roots, taking away all his means of maintenance and living, yet they leave him life to feel his miseries: Ita feriunt ut diu se sentiat mori, there is no cruelty to priestly cruelty: these are they that did put our very Saviour to death: the calling is reverend, but the corruption is most pernicious: Corruptio optimi pessima: I know no reason of this change, except it be that of the Apostle, because when they knew God, they did not worship him as God, but made a god of this world, placing the excellency of Priesthood in worldly pomp and greatness: and gave the glory of the invisible God to pictures, images and altars: therefore God gave them up to vile affections, to be implacable, unmercifull, and without naturall affection. But whatsoeuer the cause is of their corruption, certainly their armes have fallen heavy upon M. Smart, and priestly cruelty hath cast him into a long misery, from which he could get no release by any priestly mercy.

And now it is prayed, that as these delinquents by the cruell oppressions of M. Smart have advanced the cause of Popery, so they may in such a degree of justice be punished, that in them priestly cruelty, and the very cause of Popery may appeare to be punished and suppressed: And that M. Smart, suffering for the cause of Protestantancy, may be so repaired, that in him pious constancy, and the very cause of Protestantancy may appeare to be righted and repaired.



Articles of the Impeachment proved upon oath before the Lords, delivered in writing by *Nicholas Hobson* and *Robert King*, subscribed by *Sir Robert Rich*, and remaining upon Record.

Nicholas Hobson, singing man of the Cathedrall Church of Durham, aged 92. years or thereabouts, maketh oath that the Examination hereunto annexed, dated May 14. 1642. being unto ten Articles of the Impeachment of the honourable House of Commons, against Doctor Cosins and others or Master Smarts behalfe, and all of them subscribed by and with the proper handwriting of him this deponent, without any favour or affection to either side, is the whole truth and nothing but the truth, and according to the Articles of the said Impeachment.

Jur. 12. die Junii 1642.
Ro. Rich.



The Answer and Examination of *Nicholas Hobson* singing man of the Cathedrall Church of Durham aged about 92. years the fourteenth of May, 1642.

Wheras I *Nicholas Hobson* was by vertue of a Warrant from the right honourable the Lords in Parliament assembled, summoned to appear to attest my knowledge for the proofe of the Impeachment against Doctor *Cosint*, and others on M. *Smarts* behalfe, depending before their Lordships; I having attended now above these seven months, and not able in respect of my age and infirmities to contine my attendance any longer have set downe this my answer

Richard D. Rich

to

to every Article in the Impeachment, upon my oath under my hand as followeth.

Art. 1.

To the first Article I say, that after the death of Bishop *James*, Doctor *Neale* comming to be Bishop of Durham, the Communion Table was taken away, and a stone Altar (commonly so called) set up at the East-end of the Chancel on Columnes with many Cherubins thereon, and a carved skreene curiously gilded by the then Deane and Prebendaries, to which Altar there was frequent bowings, which bowings did very much increase after D. *Cofins* came to be Prebend there. And I having beeene a member of that Church about sixty yeeres before the erection of the said Altar, nor knew, saw, or heard of any bowings towards the Communion Table there, but after it was set up it hath beeene continued with the bowings, Ceremonies, and other perquisites thereunto belonging, by the joynt consent and approbation of the Deane and Prebends of the said Church for the time being (M. *Smart* excepted) for ought I ever heard, only D. *Cofins* was the most strictly, and violently Ceremonious of all the rest.

2.

To the second I say, That I very well remember the Cope mentioned in the Article, with the picture of the Trinity, which I have often seene worne and used in the said Church at Service, and the Sacrament of the Lords Supper; and as I remember it was brought into the said Church when M. *Ferdinando Morecroft* (mentioned in the Impeachment) was Treasurer thereof: And I have constantly and credibly heard, that this Cope was by command of the said Treasurer bought of one Mistris *Deereham* a Vintners wife in Durham: which Cope in regard of the scandal it gave M. *Smart* caused to be cut in pieces, and made cushions of it, for the use of the said Church, some whereof remained there at my comming from Durham in September last, as likewise the Cope mentioned in the Article with a Crucifixe on the hinder part of it. For the Cope which cost 200.l. I remember very well there was a very rich Cope made at Durham by the said Deane and Prebendaries, which was afterwards sent from thence by one of the Vergers to London for the Queens Chappell, (as the report was) but what the certaine price of this Cope was I know not.

3.

To the third I say, That D. *Cofins* was the principall man that made the alteration mentioned in the morning Prayer, and a new solemne service to be sung at 6. of the clock in the morning, to which both my selfe and other Members of the said Church were compelled to come by

by D. *Cofins* and amerced by him with consent of the others for default therein, which for my owne part I was so afraid of, that my course being come to reade the first Lesson, I arose at twelve a clock one night (supposing it had chimed four) and sate at the Church doore untill it was five, for which my long and weary watch D. *Cofins* had my prayers for the new tricks he had brought in amongst: But this alteration in Prayer and Service was allowed by the Deane and Prebends all; (save M. *Smart*, who to his utmost power constantly opposed the same.) And the old morning Prayer mentioned in the Article, which was constantly there alwaies used ever since I can remember, was quite taken away by them, and upon the divisions of the Martins there were neither Chapters nor Psalms read at ten a clocke Prayer.

To a fourth I say; That there was about fifty pictures, and three statues of stone, formerly defaced and broken downe in the said Quire, which were by the expresse command of D. *Cofins*, renued, painted, gilded, and set up about the Quire, and upon the Bishops throne, as is mentioned in the Article.

4.

5.

To the fift I say, That there was an excessive and unusefull number of wax candles used in the said Church after D. *Cofins* came to be Prebend there, more being constantly burnt on Saints dayes then other dayes, and on Candlemas night mentioned, there was an extraordinary number of wax candles lighted up, many being set up where there was no use of lights, nor prayers then said, such as I never saw in my life at one time, though I have now beeene a member of that Church about 80. years. And it seemed the more strange to me, because I never knew in D. *Pilkington*, M. *Rand*, D. *Colemore*, M. *Smart*, and the old Prebends times, above twenty or thirty at most lighted at one time in the said Church; and the rather because of the Ceremony used of late in lighting of the said Candles; for the Quire doores were shut to hinder the people for comming in while the Vergers, and others appointed to light the candles, did climbe on ladders, to set them up aloft, high in the Quire, the lighting of which candles, and other new things used in the said Church, was a great scandal and offence to well affected people in the Countrey, and incouragement to Papists and ill disposed persons, as I have severall times heard from divers with whom I have spoken since the beginning of these things.

To the sixth I say, That for above thirteene or fourteene yeeres

6.

last past, there were no Psalmes in the vulgar meeter tunes suffered to be sung by the Congregation as formerly before and after Sermons, and at the administration of the holy Communion in the said Cathedrall Church, which was a mighty discontent to the people of Durham, and never omitted there till D. *Cofins* came; which omission still lasted untill September last 1641. when M. *Smart* being restored by the Parliament, caused them to be sung, and a Communion Table of wood to be placed in the body of the Quire as formerly, the said Altar and its golden skreens being quite taken away from thence: Instead of the said Psalmes, there were Anthems sung which the people understood not, and at a Fast about fifteene yeeres agoe D. *Cofins* commanded the Choristers and Singing men to come to Church in their habits, and the Organs to play the prayer after the Commination, &c. *Turne us O Lord*, &c. being turned into an Anthem was solemnly sung, so as I understood no more of it then mine owne part, and therefore verily believe that the people did not understand it; and the rather because Doctor *Cofins* did send Vergers to the people, to command them to kneele. As for the three Kings of Cullen, I have severall times sung my part thereof in the said Churh among the rest of the Quire, and I have severall times knowne the Organs to play; and the Quire to sing at the administration of the Sacrement.

7 To the seventh I say, "The Deane and Prebends there caused many pictures and Images to be set upon the Font, amongst the which the Deane caused a Pellican picking blood out of her breast to be carved, which D. *Cofins* tooke away, and caused a curious carved Dove hoveling, there to be placed in representation of the holy Chest, and the four Evangelists, and Ioh. Baptizing Christ in Jordan to be painted: The Font they caused to be removed out of the ancient place where it used to stand ever since I can remember, and upon the third and last removall they placed it quite out of the Quire where Divine Service is never said.

8 To the eighth I say, That I doe not remember that I ever saw the consecrated Knife, but have often heard there was such a knife kept in the Vestry for cutting the sacramentall bread, which knife was brought into the Church after D. *Cofins* was Prebend.

9 To the ninth I say, That there was one *Browne* a convict Papist employed by D. *Cofins* for painting and glasing the said Church pictures and Statues, and that there were many new strange changes and things brought

brought into that Church in service and Ceremony after B. *Neale* came to be B. of Durham, the number and practise thereof did mightily increase there after D. *Cofins* came to be Prebend, for that he was a most active man in bringing in and urging them, yet the Deane and Prebends did approve and allow thereof, none ever hindring or resisting him, save only M. *Smart*, who continually opposed them.

To the tenth I say, That I doe very well remember that D. *Cofins* did preach a Sermon in Durham Church to the tenour and effect of this Article, but I cannot possibly remember the very expresssions that he used, yet I perfectly remember that in the same Sermon he did say, That when Popery was put out the Reformation was a deformation, and instead of bringing in order, they brought in ordure.

200
Nicholas Hobson.



Nicholas Hobson aged ninety years or thereabouts, saith, That he hath beene a member of the Cathedrall Church in Durham about seventy years, and that he very well knoweth, that it is the constant custome of the said Church, that upon the vacancy of any Living, in the donation of the said Deane and Chapter; that the senior Prebend Residuary hath the election, whether he will accept first himselfe, or nominate any other to the Living vacant, in case none of the Prebends will accept thereof themselves, upon such his refusall: And this D. ponent saith, that he knoweth in right of this custome, and not by any favour of the said Chapter, that M. *Rand* first Prebend of the said Church, did upon the avoidance of Hecghington nominate one Christopher Lever Minister, and a meere stranger to the said Vicarage, who accordingly enjoyed the same during his life; and divers other Prebends of the said Church did also nominate either their children or friends constantly, according to the said custome. And D. *Carre* late Vicar of Akeliffe comming to be Prebend of Durham in M. *Smart* deceased, had the said Vicarage of Akeliffe, being then void by the death of M. Ralph Richardson, according to the said custome in M. *Smart* right, as Senior Prebend, without which the said D. *Carre* could not have got Akeliffe.



Robert King of the City of Durham aged 46.yeares
or thereabout, sworne and examined on the part and
behalf of Peter Smart Clerke.

Art. 7. **T**o the seventh Article he saith, that he well remembreth that there was divers pictures and carved Images set upon the Font, and that there was a Dove carved, and the four Evangelists, and *John* baptizing Christ painted, which did appeare upon opening of the Font, and that the same was removed out of the Quire, and let up in places in the Church where never any service was said, and that the same was so done by the Deane and Prebends, or some of them, (Mr. Smart excepted) and that the charge thereof was allowed on at their Audit accounts.

8. To the eighth Article he saith, that he hath seen the Knife which was kept in the Vessry for cutting the sacramentall bread, and that he who shewed the same to strangers, did call it the consecrated knife, and that the haft of it was called an Aggat haft, and that he hath seene the same divers times.

9. To the ninth he saith, that one *Edward Browne* who is a convicted Recusant was employed for painting and glazing in the Church for divers yeeres, by the Deane and Prebends (only M. *Smart* excepted.)

18. To the eighteenth he saith, that he hearing that M. *Smart* was in the custody of one *William Fryell* then a Pursivant to the high Commission, did goe to see him the said M. *Smart*, and did finde him so sick, that he was very sorry to see it, and was in great feare that he should have dyed there; and he further said, that he heard the said *Fryell* say divers times, that when he was brought upon his oath, he would shew that writing or warrant from the Bishop of Durham, and other Commissioners should free him, concerning the attaching of M. *Smart*.

He saith that D. *Carre* (late deceased) came to bee Prebend in M. *Smart's* place, hath had and received one yeare with another for his part of the yearly divident, one hundred pounds, arising out of fines, and seales, overplus of rents, vacancies, increase of rents and casualties, and

and also he did receive the yearlye stipend of 33.l. 6.s. 8.d. during his life, as will appear by the Audit accompts in every yeare made by the severall officers, who keep the same in their own custodies, where- as they should remaine in the Exchequer within the Colledge of Durham, as formerly they have done.

He saith, that he doth well remember that there was a capitular Act made, that *William Smart* batchelor of Arts, son to *M. Peter Smart* should have the Registers office upon the yeilding up of the said place by *M. John Browne*, who then was Register to the Deane and Chapter of Durham, and that this examinee did write the said Act, as may appear by the booke of Acts; and that the said place is worth one yeere with another fourescore pounds arising out of writing of Leafes, Licenses, Patents, Presentations, Searches; And the Jurisdictions of Durham, Northumberland, and Howdenshire in the County of Yorke, and the stipend of five pounds yearly, and he knoweth the better how to depose herein, for that he was brought up as a Clerke in the said office for divers years.

He saith, that *M. Smart's* Corps at Wittingbert is worth yearly to be letten for ninety pounds as he hath credibly beene informed.

He saith, that the tenement called Vnderside, is worth sixteene pounds *per annum*, being a part of the said Corps.

He saith, that the tenement called Newhouse in Akeliffe Parish is worth forty pounds *per annum*, as he hath beene credibly informed, and that he verily beleeveth the same to bee no lesse worth, for that hee knoweth divers tenements of the like rent, that are let for more.

He saith, that the hay ground in Gilligate is worth three pounds ten shillings by yeare.

He saith, that Shaudforth tithe Corne is worth twelve pounds by yeare.

He saith, that the tithe Corn at South Pittington, (now in *D. Cofers* possession) the same belonging to *M. Smart's* Corps, is worth ten pounds *per annum*, and that the same hath been of late yeares of a greater value, as he hath beene credibly informed.

He saith, that he did write severall Arrears of rents into a booke, called the booke of Arrears, which did amount to about two thousand pounds, a good part whereof did belong to *M. Smart*, but how much was received thereof by the Prebends, and by them divided amongst themselves he knoweth not, but referreth the same to the receipts mentioned in the said booke.

Robert King.

October 30. 1641.

Robert King of the City of Durham Gent. aged forty-six years or thereabouts, sworne, saith, That his Father was Register to the Deane and Chapter of Durham for many yeares, and this deponent hath beeene a Clerke in the said Office for about seven and twenty yeares; and that thereby he very well knoweth, that it is the constant custome of the said Church, that upon the vacancy of any Living in the donation of the said Deane and Chapter, the Senior Prebend Residentiary hath the Election, whether he will accept thereof himselfe, or nominate any other to the said Living vacant, in case none of the Prebends will accept thereof themselves, upon such refusall: And this deponent saith, he knoweth that in right of the said Custome, and not by favour of the said Chapter, M. *Marmaduke Blakesone* Prebend of the said Church, got the Vicarage of Allerton for his son *Thomas Blakesone*, who now enjoyeth the same, being worth two hundred and fifty pounds *per annum*, or thereabouts, as this deponent hath beeene credibly informed; And M. *Ferdinando Moorecroft*, another of the Prebends, got Heighington worth about one hundred pounds *per annum*, after the death of M. *Lever*, and kept it till his son *James Moorecroft* was capable thereof, and then resigned it unto him, who now enjoyeth the same; M. *George Moorecroft*, another of the Prebends, got the Vicarage of Hesledan, worth about 100*l. per annum*, and for his son *Edward Moorecroft*, who now enjoyeth the same: And divers other Prebends of the said Church, did nominate upon the avoidance of any Living, either their children or friends, according to the said custome, who accordingly enjoyed the same upon such nomination; and D. *Carre* late Vicar of Akeliffe, comming to be Prebend of Durham in M. *Smarts* place, had the said Vicarage of Akeliffe, being then void by the death of M. *Ralph Richardson*, according to the said custome in M. *Smarts* right as senior Prebend, without which the said D. *Carre* had never got Akeliffe, as D. *Haw* the late Deane of Durham told the deponent; And this deponent further saith, that he was present

scut when the order annexed was served upon all the said Tenants mentioned in the petition belonging to the said Prebend, and that he did reade the same unto them ; and that since that time hee hath heard , and verily beleeveth by the relation of some who live thereabouts, that the said Tenants have refus'd to pay the money and deliver the possession to Mr. Smart as is alleaged in the Petition.

Robert King.

And this deponent further saith, That hee was present when the order was served upon *Richard Carre*, mentioned in the petition , who after reading thereof , said , That if the Tenants would pay in the money due, hee would secure and keepe them harmlesse, notwithstanding the said Order.

Robert King.



Richard Hutcheson *Singing-man and Organist of Durham*,
being sent for by the Parliament 1628, to beare witnesse of *Inno-va-tions in the change of Services and Ceremonies*, brought into that Cathedrall Church by the Deane and Chapter, of which *D. Cosin* was a principall agent in the said alterations, the Parliament being dissolved upon Tuesday the 16 of March , hee left this in writing, which he purposed to testifie upon his oath.

*New orders and form of prayers in the Cashedra'l Church
of the City of Durham.*

IN former times, the six a clock prayers was read according to the Statutes in a convenient place , so that all Gentlemen and Tradesmen came to it, where they did reade and sing

Robert King

Psalmes,

Psalms, every one understanding another, what was said or sung.

2. But afterward a controversie fell betwixt the Deane and M. *Cofin*, that the one will have it in the Quire, and the other in the old prayer stead, where formerly it hath been used.

3. But it was ordered betwixt them that Prayers should bee sung in the Quire, after the same forme, that we have our ten a clock sevice from the beginnins unto the ending, with two Lessons read.

4. And all the whole members to come in with their gowns and surplices,

5. But not halfe so many of the Town as did use when prayers were read as formerly have been used.

6. Then for our ten a clock Service we were commanded to begin with the ten Commandements, and with the Epistle and Gospel, Creed and Anthem, with the Collects after, and so an end, for Munday, Tuesday, Thursday and Saterday.

7. On Wednesday, Friday, and Sunday, to begin with the Letany, the ten Commandements, the Epistle and Gospel, Creed.

8. Then the Sermon, and after an Anthem, the Collect and an end.

9. So that before and after Sermons and Lectures we have had of late no Psalmes but all Anthems, and many of their ditties neither in the Bible nor Communion book.

11. And every Sunday two or three Copes worne.

12. And for the order of the Communion, when they come first to the Communion Table, at the entring of the door every one doth make a low congic to the Altar, and so takes their place.

13. And then the Priest goeth up to the Table, and there he makes a low congic.

14. Taketh

14. Taketh up the bason, and maketh a low congie.

15. He goeth to all the Communicants, the Quire excepted, and taketh the offerings in that bason, he goeth up to the Table, maketh a congie, and setteth down the bason.

16. Then he goeth to the end of the Table, and beginneth the exhortation, and goeth on, untill he commeth at *Lift up your hearts*, that he singeth, and the quire answereth, singing in strange tunes, so far as Priest and Answer goeth, then for the rest, one of the Priests reads some part of it at the end of the Table.

17. And another sitting on his knees at the middle of the Table, and after the prefaces the Priest begins, *Therefore with Angels and Archangels*, until he come to the three holies, and then the Quire singeth untill the end of that; so in order hee doth administer the Communion.

All these 17 are innovations, contrary to the book of Common prayer, Canons, Injunctions, Rnbriques and customs, not onely of *Durham*, but all other Cathedrall and Collegiate Churches in *England*.



Because it was long since the Petition to the Parliament was examined before the honourable Committee of the House of Commons, in January and February 1640, and by them the Impeachment of D. *Cousin* and 30 others, presented to the House of Peers, M. *Francis Rous* delivering the same Mar. 16, 1640, and the Articles of the said impeachment were proved upon oath of sundry witnesses before the Lords, *Anno 1641*, in May, June, and July, more then two yeares agoe, so that it is probable their Testimonies may be forgotten by reason of the

Great troubles which have since that time befallen this Church and Kingdome, therefore I thought good to set down their names that were sworne witnesses, and to what articles every one spake: But the best proofes are the Acts of the High Commission Courts at *Durham*, *London*, and *Yorke*, which are there kept upon record, & copies under the Registers hands we have here to shew.

Likewise the answers of the impeached Delinquents, and their confessions, which are in the custody of the Clerks of this Parliament, are strong proofes against themselves.

To which I have added the testimonies of *Nicholas Hobson* singin man of Durham, aged 92, which had been a member of that Cathedral Church 80 years, and of *Robert King* which had been brought up in the Registers office about 27 years, whose testimonies before the Lords upon their oaths, exhibited in writing, I have caused to be printed, with *Richard Hutchenson* Organist, his testimony which he gave me in writing in the Parliament 1628, and in the beginning of this Parliament confessed to bee true before many witnesses; These three, I say, *Hobson*, *King*, and *Hutchenson*, with the Acts of the Commission Courts, are sufficient to confirme all things that are delivered in the Petition and in the Impeachment.

The 14. first Articles were proved upon oath before the Lords, 13 of which we have over passed, & now come to the 5 last conceruing Bishop *Laud* and the rest that converted Mr. *Smart* from *Durham* to *London* unlawfully, with his transmissiōn to *Yorke*, and his barbarous usage there, contained in the five last Articles of the impeachment.

The



THe fourteenth Article conteineth in it twenty severall heads or clauses wherewith the House of Commons in their Impeachment, chargeth Doctor *Cofin* and other Commissioners of *Durham* and *London*, to have proceeded illegally against Mr. *Smart*: all which were proved by oath before the Lords in *May, June, and July, 1641.*

1 Doctor *Cofin* upon M. *Smarts* reading his text (*Psal 31.7. I hate them that hold of superstitious vanities*) and going on in his Sermon suitable thereunto, very turbulently behaved himself in the Church.

2 Proved at large by the testimony of Mr. Ed. Wright, a Counsellor of Gray's Inne, viva voce, upon his oath before the Lords, and by the appointment of the House of Peers, delivered in writing under his hand, which remayns upon Record in the custody of Mr. Browne, the Clerk of Parliament.

3 They convented him the same day, being the Sabbath, presently after dinner before the Commission Court in the Deans house, by a Warrant to attach him, sent by two Pursuivants.

4 This is proved by the testimony of Mr. Edw. Wright, and by Acts of the Court that day, &c.

5 This their doing in many respects was illegall, especially because it is unlawfull to keep any Court on the Lords day, on which whatsoever is done is void, and punishable in them that doe it.

6 This the Law it self proveth to be true, and the confession of Doctor Easdell, one of the Impeached.

7 On which day hee was bound by Recognizance of an hundred

hundred pound, to appear before them upon a days warning.

4 *Proved by the Act of the Court, and Mr. Wrights testimony.*

5 They took the unperfect notes of his Sermon, and wrote out copies, which they sent to severall Bishops at London, Bishop *Lanc*, Bishop *Neal*, and three others; perfidiously contrary to their promise, and perjuriously contrary to their oath, by which they are bound to complain to none but the Bishop of *Durham* their Visitor.

5 *This was proved by Mr. Wright, and other witnesses, and by the locall Statutes of Durham Church.*

The same Doctor *Cofin*, the Dean and Chapter, with Master *John Linely*, Bishops *Neals* Chaplain were Informers, Prosecutors, and Judges, inflicting grievous punishments upon Master *Smart*, for the space of six moneths, without any examination or tryall at all, only they said his faults were notorious, and therefore needed no proof.

6 *This is proved by the Acts of Court, and many witnesses, and their own confessions.*

7 In the Commission Court, and in their Chapter-houle, they censured him with two acts of Sequestration, and one of Suspension, contrary to their locall Statutes, which they are bound by oath to observe.

7 *In these three Acts of Court they committed many notorious perjuries, especially three, for which they deserve to be deprived, and loose all their living: First in putting Mr. Smart into an externall Court of the high Commission, being charged to determine all controversies within the Chapter-houle. Secondly, in not complaining to the Bishop their Visitor, but to Bishop *Laud* of London, and Bishop *Neal* of *Winchester*, which had nothing to doe in the Province of York: Thirdly, in suspending him from comming to Church in the midst of his Residence, at which time every Residential is bound by oath to come to Church 21 days without intermission: and every Prebendary*

boundary is sworn to cause others to the utmost of their power to ob-
serve the Statutes, which maliciously they would not suffer M. Smart
to keep.

8 They kept him in continuall personall attendance, under
great bonds. First, upon a day's warning, then four days, then
fourteen days to appeare before them, without any Articles to
answer, or any particular fault laid to his charge, for which
Mr. Burgoyn gave this reason on the Bench; if we give him any
longer time he will go to London to complain of us.

8 *This is proved by the Acts of Court.*

9 After the Oath *ex officio* taken, and Articles exhibited
and answered, which should have been examined, and he quitted;
they detained him in their Court two moneths longer. And
Mr. Burgoyn said, the Bishops bid them keepe him safely till
they send for him to London: and that the King commanded
them to prosecute against him with all rigour and extremity.

9 *See the Acts of the Court.*

10 They caused a Warrant, under the Commission Seal, and
the hands of Bishop *Land*, Bishop *Harsnet*, Doctor *Sammes*,
and Doctor *Cesar*, to be served upon him in January, to appear
before them at London.

10 *Very unlawfully, for he was censured before at Durham: hee
was of another Province, out of Bishop Lawd's jurisdiction. Neither
had he done any thing deserving punishment.*

11 By an Act of Court they unlawfully transmitted him
to the Commission of *Canterbury* Province, which is a Court
more externall than *Durham*, therefore their perjury was more
notorious: *See the Statute.*

12 The 12 of February, Master *Smart* appearing before B.
Land, and others; they forced him to take a second Oath *ex of-
ficio*, to answer Articles.

13 Which Bishop *Land* said were matters of high nature
and,

and ordered him to be examined thereupon, before his departure from *London*.

14 And so proceeded against *ex officio*, because the Dean and Prebendaries of *Durham*, had commended the cause thither.

15 According to which Order Mr. *Smart* attended upon the Register four moneths, but could never get the sight of Articles.

16 Then was he transmitted back againe by Bishop *Lawd*, B. *Neal* and others to the Commission at *York*.

17 With the cause and all the Letters, and calumniating complaints of the *Durhamers*.

18 Without any allowance of charges, as the Canons appoint: because he was convented, & proceeded against upon the complaint of the Dean and Prebendaries of *Durham*, which ought to make him satisfaction for that wrong, unlesse their complaints could be proved.

All these last eight were proved before the Lords, by the Acts of Court, and many witnesses upon oath, whereby it appeareth how Mr. Smart was cast into the Whirlpool of the High Commission, being their fellow Commissioner, by the malicious and treacherous Prebendaries of Durham, only for resisting and reproving them for polluting the Church of Durham with superstitious Innovations and Idolatries, and how they were assisted, and countenanced by Popish Arminian Priests and Prelats, especially these three, Bishop Neal, Bishop Lawd, and Bishop Harsnet, his Captain persecutors.

19 Master *Smart* presented Articles against Doctor *Cosins*, Doctor *Linsell*, Master *Borgoin* and others, drawn and subscribed by Do. *Reves* the Kings Advocate, which Bishop *Lawd*, and B. *Neal*, with the rest at *Lambeth* refused to admit, though a thousand pound bond was offered to prove the same.

20 Bishop *Lawd* and B. *Neal* said, they would not suffer such worthy men to be questioned. Impudent Prelats, cruell oppressors,

Pressors of the innocent, and protectors of notorious malefactors, most scandalous, seditious, and factious fellows, I vwill not say knaves, though B. *White*, and B. *Howsen* termed *John Cofin* so, the Captaine and Ringleader of all that crew. And what were they worthy of, surely the Whip, the Pillory, and the Gallows, for their perjuries, and villanies, and monstrous cruelties against their brother *Smart*, who never wronged them. and was a vorthier man then any of them, in that place, whose minors and inferiors they vvere, and after a sort under his government and authority : as their Statutes tell them.

The 14 Articles before were all examined and proved by oath before the Lords in Summer 1641.

These 4 Articles following need no witnesses to prove them. The Acts of Courts are proofs sufficient, and the confession of Delinquents.

Article 15.

*Chargeith that Archbisshop Harsnet, Doctor Hodgson,
and Doctor Wickham convened*

1 **M** After *Smart* the seven and twentieth of June by War-
rant under the High Commission Seal,

2 Forced him to take a third Oath *Ex Officio*.

3 Unlawfully fined 500 pounds by Intimation, and certified the same into the Exchequer in November, contrary to their own Order, by which he vvas to have six days warning.

4 Committed him to prison twice in November and Decem-
ber, and forced him to take a fourth Oath, to answer Articles Additionall.

5 They proceeded to sentence the third of *August 1630*, *ex parte*, having denied him a Commission to examine Witnesses on his behalf.

6 They interrupted his counsell, and suffered not the briefe of his defence to be read.

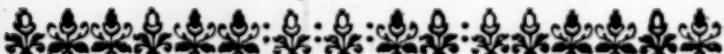
7 They made bitter Inve&tive speeches, and rayled upon him all ten Commissiones, especially *B. Harsnet*, Doctor *Hodgson*, *Wickham*, *Stanhope*, and *Marsh*: from eight a clock in the morning till three in the afternoon, as two Parliament men, *Alderman Atkinson*, and *Alderman Hoile* can witnessse.

8 They censured him, and ordered to make a recantation, *conceptus verbu*, in *York* and *Durham*: they fined him 400 pounds more, desired costs of the Court, and committed him to prison.

The first of these is proved, by Doctor *Hodgson*:s confession in his answer to the Impeachment.

The 2, 3, 4, and 6 are proved by *Acts of Court*. So is the seventh.

The fifth by their confession.



Article 16.

1 They excommunicated him *20 September*, They sequestred the profits of his Prebend, and Benefice: They degraded him, *ab omni gradu, & dignitate clericali* the *18 of November 1630*. *Acts of the Court*.

2 This degradation was verbal, and not *solenni forma*, therefore void, by the testimony of Doctor *Duck* under his hand.

3 Doctor *Carre* enjoyed *11* yeere the Prebend, and the Vicarage of *Ateliffe* belonging to Master *Smart*, wvorth *350* pound per

per annum, as vvas proded upon oath by the testimony of *Nicholas Hobson*, pag. 21. and by *Robert King* pag. 24.

4 Master *Smart* hath continued prisoner by *B. Mortons* War-
rant, and Secretary *Windebanks* command, ever since 1638 till
1651, proved by *Sir John Lenthall* Marshal of the Kings Bench.

5 These and all other losles and troubles, have brought da-
mages upon Master *Smart* & his children above 14000 pounds.

The particulars of these damages are most of them set
dovvne in *Robert Kings* Ansvver, pag. 24, 25.



Article 17.

Master *Smart* brought an Action of false imprisonment *Pasche 5 Caroli* in the Kings Bench against *Doctor Hodge son*, *Doctor Eas dall*, and *Roger Blanchard Pursuivant*. And after seven Terms delays, and severall Rules given, hee had a Judgment at last upon a *nihil dicit*, and damages 600 li. But he vvas ordered to accept a long and a frivolous plea, contrary to Judge *Crooks* opinion.

Master *Smart* demurred but could never get to have it argued, whereby he never received any benefit thereby.

This is proved by the Rules and Records of the Court.



Article 18.

1 **I**N July 1638 Master *Smart* having obtained his Majesties most gracious reference in his behaif unto the novv B. of *Durham*, Secretary *Windebanke* did revoke the same by his Let-
ters

ters to the said Bishop. This is proved by the Letters vwhich the Bishop hath.

2 Who upon the receipt thereof sent two Pursuivants vwith a Warrant under the High Commission Seale signed by himself, *Thomas Burwell* his Chancelour, and others (at the same time hee vvas prisoner in the Kings Bench, and hath Sir *John Lenthal* Warrant.)

3 Whereby hee vvas apprehended, and carried prisoner to *Durham*, one of vwhich kept him nine days in *Northumberland* and *Newcastle*.

4 Where he remayned above six vweeks.

5 And from thence brought him prisoner to *London* to the said Secretary.

6 Who remanded him prisoner to the Kings Bench, so that he vvas prisoner from the first of *January* to the last of *Februry*, both to the Kings Bench, and the high Commission.

7 And two days after by the said Secretaries command, he was taken out of his chamber in the *Rules*, and put into the common prison, where he remayned about one moneth, and 16 weeks after close prisoner in his own chamber.

8 Upon pretence that he had been in *Scotland*, preaching and instigating the *Scots* against Episcopall Government.

9 Upon which his said Imprisonment, by the B. of *Durham*, and High Commissioners Warrants, and Secretary *Winden-banks* two Letters, by which he was sent for in *Jan.* the midst of Winter being 70 yeers old and sickly, to be brought up in safe custody, to answer at the Councell Table, for (I cannot tell what) dis-services, and preaching seditious Sermons in *Scotland*, which was most false, hee never preached in *Scotland* nor *England* since hee preached against superstitious vanities, 27 of *July* 1628, since which time hee hath beene always suspended from coming to Church, excommunicated, and imprisoned till

till this Parliament 1641, he was sent for, I say, to answer at the Councell Table, and brought to London with the perill of his life: yet hee could never get any release or examination: though severall times he petitioned the said Secretary, Archbishop Laud, and his Majesty. All in vain, they knew they had nothing to lay to his charge, therefore they never meant to call him to answer: but they kept him in prison, and the Secretary, and his servant Read also commanded Sir Iohn Lenthall to keep him safely, and to give him no liberty from Dec. 1639, till Aug. 3. 1641, on which day all Sentences were cancelled by this Parliament: both Houses concurring with unanimous consent, and he (Peter Smart) restored to his liberty, and to the Church and to his Living, with the mean profits therof (though he reape no benefit thereby) without recantation, absolution, new Induction or Instaulation, which could not have bin done, if he had bin justly censured, and condemned lawfully.

His imprisonment was proved by the testimony of Sir Iohn Lenthall Marshall of the Kings bench, who answered being sent for by the Parliament that he kept him in prison *arita custodia*, straightly, by the expresse command of Secretary Windibank: Bp. Morton being asked why he committed him in the North, answered that he was commanded so to doe by two Letters from Secretary Windibank, Secretary Windibank being demanded why he wrote those Letters, answered, that he did by the appointment of the Counsell Table, and soon after ran away out of the Realme.

Thomas burwell the Bishops Chancellor denyeth, that in July 1638 he signed any Warrant, no body saith he did so in July, for it wa signed by the Bishop, and Thomas Burwell, and Wil. Jones, the first of January, 1638 to apprehend Mr. Smart. (2) if at any other time he signed any Warrant, it was done in obedience to his Maiesties command, (3) By whose especiall command he beleeves, Secretary Windibank did write.

(4) Two letters to the Bishop of *Durham*. (5) To send Mr. *Smart* forthwith to the *Conncell Table*. (6) To answer the preaching of certain seditious Sermons. (7) and beleeves that upon the receipt of the first letter, the Bishop sent to Mr. *Smart* who repaired to *Durham* the pursuivant *Frijdall*, fetcht him in a coach out of *Northumberland*, where he had been kept by *Rob. Mitford* his fellow pursuivant nine dayes. (8) Where he remained a while for want of money (five or six weekes) (9) Wherewith the Bishop being acquainted leat him 50 li. (very false, he lent him not one penny, but kept him in the custody of two Pursuivants, where he made him spend above 20 li. in January and February, not suffering him to lie, or to goe one meale to his daughters house, an Aldermans wife in *Durham*, thongh 2000 li. bond was offered.)

(10) Upon the Bishops receipt of the second letter from Secretary *Windebank*, Master *Smart* provided a horselitter and came to *London*. The truth is, that upon the receipt of the second letter the Bishop was in a rage against Mr. *Smart*, he said that if he would not provide to go to *London*, but put him to charges in carrying him thither, he would put him in a ship and send him by sea, and presently bad one of his men borrow an horselitter to carry him to the sea side, a man above 70 years old, very sickly and never on the sea in his life, to send him in the midst of winter to save charges, it was a very barbarous speech of him, who being commanded by the King to examine what the *Dean* and *Prebends* were indebted to M. *Smart*, and to cause them to pay it, without any examination, he took their part, and said they ought him not a peny, not one peny: whereas they ought him many thousand pounds, as are proved by this Parliament, and shall be proved more particularly, when a judgment can be gotten, and execution.

10 Master *Burwell* saith, that upon the receipt of the second Let-

Letter Master *Smart* provided an Horf-litter : it is true, but that Litter could not be carried on horsback, nor men be gotten to go on foot by it 200 miles in the deep Winter, so that hee was compelled to buy a cart with foure wheels, drawne with three horses on which the Litter was placed, guided and drawne by two men, so that it cost him above 50 pounds, his Imprisonment, by the Bishops Warrant, and his conveyance to *London* by two Keepers bound by the Bishops in 200 pound bond, to deliver their prisoner to Secretary *Windebank*, which was done the last day of *February*, so long was he prisoner in many places from the first of *January*, even two whole moneths.

11. Yet in his answer to the impeachment, *Tho. Burwell* denyeth, the pretended Warrant was ever put in execution, or that Mr. *Smart* was thereby apprehended or imprisoned, a most impudent denyall, the warrant was served upon him by two pursuivants, one of them kept him in Northumberland nine dayes, the other fetcheth him thence to *Durham*, and keeps him in his house, not suffering him to go to any other house in *Durham*, for the space of five weekes, and yet he was no prisoner, and he termeth it a pretended warrant.

Robert King upon his oath saith, that he went to see M. *Smart* in the custody of *William Frisall* pu suevant: to the high Commission where he found him so sick that he feared hee would have dyed there. And hee heard the said *Frisall* say divers times, that when he was brought upon his oath he would shew that warrant from the Bishop of *Durham*, and other commissions which should free him concerning the attachment of Mr. *Smart*.



A short Treatise of Altars, Altar-furniture, Altar-cringing, and Musick of all the Quire, Singing-men and Choristers, when the holy Communion was administred in the Cathedrall Church of *Durham*, by Prebendaries and Petty-Canons, in glorious Copes embroidered with Images. 1619.

Written at the same time by Peter Smart, senior-Prebendarie of the said Church, a little before he was expeld, deprived, degraded and imprisoned for the space of twelve yeares, till the second yeare of this presens Parliament, by the Bishops and Commissioners of Durham, London and York, for preaching against superstitious vanities, and opposing then, and always before, their unlawfull innovations, brought into Durham Cathedrall, by B. Neal and his Chaplains, after the death of B. James, who died in May. 1617.

Thus, by the
means of
B. Neal and
his Chaplains
Altars and
Images, &c.
were brought
in.

Then, after
the death of
B. James, in
May. 1617.

There, in the
Cathedrall
Church of
Durham, frō
which they
spread over
all England.

THus and then, and there began the setting up of Altars, and Images, with a multitude of superstitious Ceremonies, changing of services, and corruptions of Sacraments: which beginning in Durham, have since that time spread themselves over all the Cathedrall, Collegiate Churches, and Colledges in this Realme; yea and many parish Churches have set up Altars, Images, and Organs, where they were never before since the reigne of K. Philip and

and Q. *Mary*; of all such alterations, and Popish Innovations in our Church, Bishop *Neale* laid the foundation, who being an old Courtier, ambitious, violent and cruell against all that gainsaid him, and opposed his doings: and dispairing to climbe to high preferment by learning and Preaching, (which he could not abide) hee set his minde wholly upon advancing Cathedrall pomp, and glorious Ceremonies, easier a great deale to be performed and practised by an ignorant ideot, who hath only the outside of a man, then the making of Sermons, or writing books; so that in few yeares he got the government of many Cathedrals: first, Westminster, which once was a Bishoprick, and yet hath Episcopall jurisdiction: Secondly, Rochester, thirdly, Coventry and Lichfield: fourthly, Lincolne: Fifthly, Duiham: sixtly, Winchester: seventhly, the Archbishoprick of Yorke. Thus fated Doctor *Richard Neal* upon 7. hils, 7. Seas, he Lorded it upon 7. thrones above thirty yeares, in the last twenty of which he preached not three Sermons, which is the principall office of a Bishop, as *S. Paul* teacheth: Yet at the censure of *Doc. Bafwick*, he said openly, that he was made Bishop by our Lord Jesus Christ, and consecrated by the Holy Ghost: unto what office? and what to doe? to hinder Preaching? to persecute Orthodoxe and painfull Preachers? to countenance, cherish, and maintaine schismatically, heretically, and traiterous Arminians and Papists, *Cosin*, *Linsell*, *Burgoin*, *Duncan*, &c, to heape livings and Church dignities upon his creatures, and favourites, idle loiterers, unsatiable cormorants, seven or eight a peece, above all meane and measure: for what good of the Church and Commonwealth did our Lord Jesus make him Bishop, and the holy Ghost consecrate him? to weare a Rochet? to set our cere-

Ceremonies? to defile the Church of God with Altars and Images? to gather riches by oppression of his te-
nants, and to play the ravenous Wolfe, in devouring so
many thousand flocks which he tooke upon him to feed
in seven Bishopricks, the hundred part of which he never
saw, nor one of a thousand ever heard the voice of their
Lordly shepheard, their Bishop, their ghostly Father, and
the Pastor of their soules, as he would be taken to be, be-
ing chosen to the office of a Bishop by Christ, and consec-
rated by the holy Ghost. I haue knowne this man about
sixty yeares, (for we were schoole-fellowes in Westmin-
ster) when he was plaine *Richard Neal*, and *I Peter Smart*,
under *Deane Goodman*, and *Doctor Grant*; hee was then
counted an heavy-headed lubber, put out of that schoole
for a dunce, and a droane, as himselfe confessed at his last
Visitation in Durham, 1617. saying openly in the audi-
ence of many, that the three last yeaeres when he was a
Grammar scholar of Westminster, he made no exercise at
all, wherenpon it came to passe, said he, that when I went
from Westminster to Cambridge, I could not so much as
write true Orthography (put letters and syllables rightly
together in Latin) and I cannot do it yet: What? not
make true Latin, being a Doctor 60. yeaeres old, when he
had passed through five Bishopricks, and was to be trans-
lated to Winchester, and Yorke, the two greatest in Eng-
land, after Canterbury. But, howsoever he was an igno-
rant and unlearned Grammarien, he profited better in di-
vinity, he had learning enough to run through 7. prefer-
ments, seven Bishopricks, containing the one half of Eng-
land, in all which, his principall care and study was to en-
rich himself, and his kindred, Chaplains, creatures, and
favourites, which he made non-Residents, and Tot-quot,
heaping upon them all manner of preferments, benefices
and

This Bishop
(said M. Kir-
ton in the
Parl. 1618.)
though he
hath leapt
thorow many
Bishopricks,
yet he hath
left Popery
behind him.

and dignities, to the intent they might flaunt it out bravely, and assist him their Lord and Master courageously, in setting up Altars, Images, Organs, Copes, Candlesticks, and all manner of Masling furniture, especially in persecuting painfull Preachers, under the name of Puritans, though more conformable then themselves, and in hindring Preachers from confuting Popish opinions, and Arminian doctrines, concerning Altars and Images, and other superstitious trinkets, with which he pestered the Church of Durham, and many other places where he had authority, as remaines upon Record in the Parliament, 1628. and printed lately, 1641. In the 45. page thus wee
reade, Doctor *More* called into the house of Commons, saith, he was referred to the Bishop of Winchester (Doct. *Neal*) to be censured for a Sermon preached by him: The Bishop he had heard him preach and deliver many passages against Papists, which pleased King *James*, but he must not do so now: this and more Doctor *More* himselfe told me, before Doct. *Sibb*: Againe, the Bishop said to him, you have a brother that preacheth against bowing at the holy name of Jesus, and of bowing to the high Altar: and that the Communion Table stood as in Ale-houses, but he would have them set as high Altars: This Doct. *More* delivered in writing to the Parliament: And in pag. 33. we reade, that Sir *Dudley North* informed the House, how the said Bishop *Neale* told Doct. *More*, that hee had often heard him preach against Popery (which he said was well liked of then) but now you must not doe so, whereupon the Doctor said, that if occasion did serve, he would not spare to do the like now, to whom the Bishop further repli-
ed, the times were not the same, & therfore you must not.

Whereupon Sir *Rob. Philips* said, By this you may
guesse, that this Bishop had a hand in setting up those
ceremonies

The Kings
Chaplaine
and Prebend
of Winchest.
Pag. 45.

P. 45.

The Prince
was then in
Spain.
D. Marshall
related as
much said to
him by the
Bishop of
Winchester.
pag. 40.

remonies in Durham, and that he beares good will to-
wards them, labouring to make Durham and Winchester
Synonimaes : This reflects upon his Majesty, said he, as if
the King should not be pleased, that men in their Sermons
should tell Popery, pag. 33.

The like D. More told me of Bishop Neals Chaplin, D. Duncan now Prebendary of Durham, how insolently he shooke him up, being an ancient Doctor, and Prebendary of Winchester, about an high Altar to be set up there, and to be bowed unto, as in Durham. But concerning Bishop Neals protection of his Chaplin Cozens when he was accused of high treason, for denying the Kings Supremacy, and giving as much authority to the fellow that rubs his horses heeles, as to his Majesty : you shall have more out of the Diurnal of the said Parliamente, 1628. when that Article of the impeachment, and the proofe thereof shal be examined in its order and place. To conclude, that which Bishop Neale could not doe in his owne person, his Chaplains and favourites of the Arminian faction, did in other places : D. Land B. of S. Davids, B. of Bath and Wels, B. of London, and Archbishop of Canterbury, D. Linsell Dean of Lichfield, B. of Peterborough, and B. of Hereford, D. Corbet B. of Oxford, and B. of Norwich, besides his followers, B. Wren, B. Montague, B. Howson, B. Goodman, B. Mawring, B. White, B. Field, B. Wright, and B. Harsnet who made this Epitaph of himselfe,

Episcopus Cicestrensis Indignus.

Samuel Harsnet *Episcopus Norwicensis Indignior.*

Archiepif. Eboracensis Indignissimus.

Most true, he Lorded it so long til he should have come to Grace, but the longer he lived he decreased in grace, he descended from bad to worse, from worse to worst, as he ascended from hight to higher, from higher to highest, even the

D. Beard said
that D. Al-
baster preach-
ed flat Po-
pery at Pauls
Crosse
The Bishop
of Winche-
ster comande-
d him as
he was his
Diocesan,
that he
should preach
nothing to
the contrary-
pag. 40.

the titular grace of a most unworthy Archbishop. At these Bishops were zealous maintainers of Altars, and Images, and other superstitious ceremonies, depending upon Altars, so that *B. Neal* and *B. Laud* with their factious associates, and creatures, have beene *Nostris fundi calamitas*, the ruine, the calamity and misery of the noble Church of England, which they have pestered with Ceremonies, and corrupted with unlawful Innovations, wherewith they have hindred edification, and instruction of the people by preaching, so that for the most part they are as ignorant, as ever they were in the blinde times of Popery.

they are as ignorant in the grounds of Religion, and as unable to render an account of their faith, as they were when all the Service was in Latin before the first reformation in the reign of *K. Edward* the sixt. And how can it otherwise be in those places where Liturgies are onely read by unlearned Curats, or learned loyterers in the Ministry, without preaching: or with such scarcity of Sermons, not above one in a moneth, nay one in a whole yeare, as it was and is in most Parishes, if not all the country towns of Wales, and too many in England, where atheisme, profaneness or idolatrous Popery abound.

B. White in his Epistle to Archibishop Lawd in his book of the Sabbath.

one thing (faith *B. White*) hath been a greater scandal to our Church, then the profane negligence of conformable Ministers: then their loosenesse of life, their avarice and ambition in heaping together benefices and promotions, and then a grosse neglect in discharging their duty. On the contrary (faith he) nothing is of greater moment to perswade the people, then when they shall observe their Ministers diligent and industrious in serving God, and promoting the salvation of Christian soules committed to their charge. O ye reformers of the Church, learn this of a Bishop, and amend this fault, which *B. Laud* would never do.

The

The principall Points delivered in this short Apologeticall Treatise.

- 1 Concerning the Communion-Table, falsely termed an Altar, what manner of furniture is forbidden, as being superstitious, where it must be placed, and how covered. pag. 1.
- 2 D. Hall against innovations and bravery in Gods Worship, contrary to the doctrine of Durhamers, B. Neale and his Chaplains, Cofin, Lindsell, &c. p. 2.
- 3 Bernard against the vanity of such which preferre the glory of materiall Temples before poore Christians, the Temples of the Holy Ghost, as Durhamers doe. p. 2.
- 4 B. Morton out of Hierome and Malachy against sumptuous ornaments. p. 3.
- 5 The Homilies, and Hemingius, concerning true and false ornaments of Churches. p. 3.
- 6 Bernard, Augustin, &c. against the statelines of Temples, & gayly ornaments, especially at the Sacraments, which hinder devotion. p. 4.
- 7 Hierome of the riches, brave furniture, and musick in Solomons Temple, not in synagogues, nor to be imitated in Christian Churches, into which Pope Vitalian was the first that brought Organs. p. 5.
- 8 Athanasius, Constantine the great, Basil of Church-musick, and Psalms. Vitalian hindred preaching with his piping and chanting, as some of our Prelates do now. p. 6.
- 9 Justine Martyr and the whole Primitive Church retained the singing of Psalms, but they abandoned Pipers and Chanters: and though David ordained instruments of musicke for the Temple, yet we may not imitate them no more then we can Aaronicall Vestments. p. 7.
- 10 Our Church ordaineth, that all things be done to edification: but by immoderate musick, both Service and Sacraments are worse understood, and turned to theatracll stage-playes. p. 8.
- 11 Durhamers would not suffer the Sacrament of Baptisme to be ministred without an hideous noise of Organs and singers, with the sight also of many brave images on the Font. But our Homilies teach that we must praise God that our Churches are quit of images and organs. p. 9.
- 12 The Church of England termeth Images, Organs, Altars, profanations and heathenish abominations, yet Durhamers retaine and maintain them stoutly. p. 10.

13 They

33 They bow down often and profoundly before their Altar, never toward the Bible, or the body and blood of Christ in the consecrated Elements, as if the Altar were holier than Christ's body, and the Bible, yet they say they worship God, not the Altar: the second Commandement and B. Buckridge teach otherwise. p.10.

34 B. Neals Chaplains, Cofin, Linell, James, Duncan, &c. call bowing to the Altar a comely gesture, and they practise it very often, and profoundly, especially at their coming in and going out, as if they would salute God, making a low leg before they kneel down to pray: and when they have done prayer, going out of the Church, turn back to look on the Altar, towards which they make another profound leg, taking as it were their leave of God, and departing from God, whom they leave at the Altar. A most absurd folly. p.12.

35 There was never in the world a more abominable idoll than Durham Altar. p.14.

36 Christ upon earth was never so worshipped by bowing down of bodies at Durham Altar hath been. When it was a table standing in the midst it was as holy as now, yet then it was never bowed unto. p.15

37 D. Cofin & his fellows which intruded to the Church such fanatical and idolatrous ornaments, are they not seditious innovators? p.15.

38 May not the people of Durham be exhorted to communicate in their own Parish Churches, as the Law commands them: and forbear to communicate in the Cathedral Church, where it is not rightly administered? yet this is a principall objection against me in their Durham and Yorke Articles and Censure. p.16.

39 The representation of the death and passion of Christ is an action of humiliation, of sorrow and weeping. Why then should our Cathedral Priests of Durham, pompously and gloriously attired in sumptuous Copes imbrodered with images, come to a brave painted Altar with Pipers and Singers, making delicate melody, in such a time of humiliation? p.18.

40 Such objects of vanities allure the peoples eyes, ears, and minds from sorrowful meditations of our Saviour Christ his death on the cross, and our sinnes which caused the same: for which we can never sufficiently testify our thankfulness, by afflicting our selves with mourning and tears. p.19.

41 God is angry with us for our sinnes, which deserve eternall damnation, if he should enter into judgment with us. Therefore we must not turne our mourning into merriment, when we would pacifie any angry Judge. p.20.



HE Communion-Table must not have superfluous and superstitious ornaments, not allowed by the Book of Common Prayer, Injunctions and Canons, in which whatsoever Ceremony is not bidden, it is forbidden, it is unlawfull, it is superstitious. As the Canonists teach, *Superstition est, reliquit Rubricis & directorio Ecclesiae, alias Ceremonias adhibere pro sua devotio[n]e.* Leaving

The Communion Table must not have superfluous and superstitious furniture, but such only as is prescribed by the Church of England, not such as Bishop Neal with his Chapleins brought into Durham, and polluted the same with superstition and idolatry.

the Rubricks and direction of the Church, to use other ceremonies for devotions sake, that is superstition.

The Rubrick and Canon command, that the Communion-Table shall stand in the body of the Church or Chancell, where Morning and Evening Prayer are appointed to be said: and it must stand covered with a carpet of silk, or other decent stufse, with a faire linnen cloth at the time of the Administration. And therein Cathedral and Parish Churches must be alike, they must be uniforme, saith the Act of Vniformity.

Therefore the Table (not Altar) must not be removed to the East end of the Quire or Chancell, as farre as can be from the congregation: it must not have a costly Velvet cloth with gold fringe and imbroidered with images: much lesse may it have B. Neales precious golden Pall to cover the Altar, having upon it the false story of the Assumption of our Lady, then which a more abominable Idoll all Popery cannot shew.

Neither must it be a sumptuous Altar of Stone, gilded, painted and polished bravely, fastned to the ground, having crosses, crucifixes, corporasses, basons, tapers, or candlesticks set upon it, which by name are forbidden in the 23. Injunction. And never can I find them allowed in any well-reformed Church: sure I am, they were never in *Durham* Church till Bishop *Neale* came to that Bishoprick, 1617.

3
B. Hells ex-
cellent less-
ons against
Innovations
and affected
bravery in
the worship
of God, and
consequently
against Dur-
ham Innovators,
with their
sumptuous
altar, organs,
copes, &c &c.

2 It is a dangerous presumption, saith a learned Father of our Church, D. *Hall* now Bishop of *Exeter*, to make innovations, if but in the circumstances of Gods worship.

These humane additions which would seem to grace the institution of God, deprave it.

That infinite Wisdome knoweth best what will please it selfe, and prescribeth accordingly.

The foolishnesse of God is wiser then the wisdome of men. Idolatry and falsehood is commonly more gawdy and plausible then truth. That heart which can for outward homelinesse despise the Ordinance of God, is already alienated from true religion, and lies open to the greatest superstition.

Never any Prince was so foully idolatrous, as that he wanted a Priest to second him. An *Vriah* is fit to humour an *Ahab*.

Greatnesse could never command any thing, which some servile wits were not ready to applaud and justifie.

Thus much saith D. *Hall*, whose excellent lessons if the new-fangled innovators and corrupters of our *Durham* Church would have learned and followed, no Sermon need to have been preached against superstitious vanities: with superfluity of which it is exceedingly pestered at this day by our idolatrous altar-building Priests, without any direction or approbation of our religious Kings and Princes, who in their Lawes forbid both altars and images, and all other superstitious rites and ceremonies.

3
Bernard cri-
eth our a-
gainst the ex-
cessive vanity
of sumptu-
ously adorne
Churches, and
the neglect of
poor Christi-
ans, the tem-
ples of the
Holy Ghost,
which is
worse now in
Durham, then
Popery.

For they (Bishop *Neales* Chaplains) have taught the people in their Sermons, that too much cost cannot be bestowed upon Christ, that is, the Church, and Church-ornaments, brave Altars, rich Altar-furniture, gorgeous Vestments, Sumpthous Organs, glorious glasse-windowes, painted, gilded and garnished images, and other excessive bravery, vaine and unnecessary, which hath cost the Church of *Durham* above 2000. pound, wring'd out of poore mens purses, to the utter undoing of many poore tenants.

3 What would *Bernard* say, if he were now alive, and saw the glory of our Abby-Church (as it is called) the superfluous ornaments, of which have cost more then would build a faire Church: who thus writeth *Ad Gul. Abbatem*, to *Abbott William*, making this exclamation: *O vanitas vanitatum, sed non vanior, quam insa-
Durham, then
migr. fulget Ecclesia in parietibus, sed in pauperibus eget. O vani-
ty of all vanities*, but whether more vaine, or more mad, I know not; the Church shineth in triply decked walls, but in the poore members

members of Christ, it is naked and needy. And who dare withstand their vaine and mad courses? who dare gainsay them, or mislike their doings? if any do so, let him look for no better then to be persecuted to death: for they teach the people, that such are very *Iudas*, Counting all to be waste, that is bestowed upon Christ; as if Christ were in walls, Altars, and Images, more then in the temples of the Holy Ghost, the bodies and soules of poore Christians: whereby the people learne to contemne their own parish-Churches, because they are plaine and simple, after the old fashion, handsome enough and decent, though not so proud and stately, not brave and magnificent, as this Cathedrall Abby; as now it is adorned passing gaily with paintings and gildings.

4 This foule errorre, and superstitious folly is thus refuted by D. Morton now Bishop of Lichfield in his Appeal: If any haply shall contemne the worship of God because it is not sumptuous, he a fested shall but renew an old infestred superstition of the Lewes, who esteemed an Altar built of unkewen stones, to be but a prophane and polluted thing: As Jerome hath obserued upon the first of Malachy. *Reverus de Babylonis populus, Altare tantum impolitis lapidibus extruxerat*; the people of Israel, returning home from the Captivity of Babylon, built an Altar of rough stones unpolished, before there was a Temple, or walls of a City: *Ezdr. I.* and they esteemed their religion contemptible, because the ornaments of the Temple were wanting: to whom God speaketh by the Prophet Malachy.

You thinke that mine Altar is polluted, the sacrifices also laid on the Altar, and the fire that consumes the sacrifice you count to be unhallowed and defiled. Neither understand ye that Almighty God, regards not, nor lookes for either gold or precious stones, or a multitude of sacrifices, but the willing minds of them that bring their oblations.

5 Agreeable to this is the doctrine of the Church of England, in the Homilies against the perill of Idolotry, and superfluous decking of Churches; which utterly disalloweth our abominable ornaments, Altars and Images, and teacheth wherewith Gods house is truely adorned; which are these.

The Word of God ought to be read, taught and heard: the Lords holy name ought to be called upon by publike prayer, and thanksgiving: his holy Sacraments ought duly and reverently to

B. Morton
out of Jerome
upon Malachy calleth it
the Lewes, to
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brave Altar
and orna-
ments of gold
and silver,
better then
the godly
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that bring
oblations.

5
The Church
of England
in the Booke
of Homilies,
and Hemin-
gius shew
what are true
and false or-
naments of
Gods Church
acceptable to
God, and pro-
fitable to
men.

be administered (not gaudily, flauntingly, theatrically) due reverence is stirred up in the hearts of the godly, by the consideration of these true ornaments of the house of God, and not by any outward ceremonies, and costly and glorious decking of the said house or Temple of the Lord.

Pretendunt ornatum, saith Heminges, si illi ornatus adiumentum sit ullum periculum, sit maleficium. They pretend that Altars and Images are set up in Churches for ornament, but cursed be such ornaments, to which the peril of Idolatry is joyned.

And again; *Spiritus Sanctus, saith Ezekiel, Ch. 20. vocat Idola abominationes oculorum, sed pulvis & cinis ea vocat ornamenta oculorum.* The Holy Ghost calls Images and Altars, (all such as God appointed not) the abominations of the eyes, but man that is but dust and ashes, calls them ornaments of the eyes.

And then he concludeth, *Verus ornatus templorum, utilis, & Deo gratius, est concio, cantio, oratio, communio, & non haec quia vel impediunt, vel vivant:* The true ornaments of Churches, profitable to men, and acceptable to God, is the preaching of Gods Word, the singing of Psalms, the administration of the Sacraments and prayer, and not such things as do hinder and defile the same.

This is the doctrine which the Church of *England* teacheth in sundry places in the book of Homilies, in the Articles and Injunctions, that Images and Altars, superstitious ceremonies and superfluous ornaments, piping and singing, beautifying of temples beyond all meane and measure, pollute and defile the house of God: and none but rotten members of our Church can say the contrary.

6 *Bernard also reprehended in his time excessive heights, and immoderate lengths of Churches, because he misliketh worldly magnificence in the spirituall service of God, who dwells not in Temples made with hands.*

Bernard, Augustine, Jerome, Justin Martyr, and others, they condemn gay ornaments and pompous spectacles of glittering pictures, with melodious tunes of pipers, and singers in the spirituall service of God, especially at the administration of the holy Communion and Baptisme; because they hinder godly meditation upon our Saviour Christ his bitter death and passion, and our regeneration represented unto us in those mystical Sacraments. For thus writeth *Bernard* in his *Apologie* against the superfluous ornaments of Churches: I let passe the great stateliness of temples, their immoderate lengths, their vaine breadths, their sumptuous

theatres, rather to delight the peoples ears and eye with melody in tunes, and jomps, and pompous spectacles, then oratories to pray and praise God, and be edified by preaching.

ptuous polishings, their curious paintings, which while they draw the sight of them that pray unto them, they hinder their affection, and they seem to me to resemble the old custome of the Jewes. Mark this, saith a learned writer in his Commentary on *Iude*, how *Bernard* saith, that those things which now adayes the defenders of superstitious vanities, in Popery say, were ordained to help devotion; as gilded images and costly ornaments, curious and sumptuous paintings, and polishings of Altars and Temples; they are so far from helping, that they hinder devotion, they withdraw, saith *Bernard*, not only the sight of them that pray, but their affection also, and they smell rather of Judaisme then Christianisme.

7 And *Jerome* in his Epistle to *Nepotian*, concerning the life and conversation of the Clergy, saith: *Iewrie* had a rich temple, and all things then made of gold: then those things were allowed of the Lord. Then, that is, they are not now allowed of the Lord.

And where were they allowed of the Lord? Not in the Synagogues, which the Jewes had in all cities of the countrey, where they assembled to heare the Law and the Prophets read and expounded every Sabbath day: they had not there either Altars, bloody sacrifice or incense, golden vessels, or Priestly vestments, musicall instruments or singers, but only in the Temple of Jerusalem, as *David* the King and Prophet, by the instinct of Gods Spirit, ordained there to be used only when solemnne sacrifice was offered. For thus writeth *Arie Monmannus*: *Fuit in templo suggestum, inter sacerdotes & populum, atrium confitatum, in quo Levita musicis instrumentis solennissim & quotidianorum sacrificiorum tempore canerent.* There was a pulpit, gallery or scaffold erected in a great roome or court betwixt the Priests and the people, where the Levites might sing and play upon their musicall instruments, when the solemnne sacrifices were dily offered. Daily, saith he: but *Flavius Iosephus* the Jew, being himself both Priest and Levite, knew better what was done: he in his seventh book of Antiquities saith: *David*, that renowned Prophet of God, devised many instruments of musick, and he taught the Levites to sing and play hymnes to the Lord, *per Sabbathorum dies aliquae solennitates*: at the solemnities of Festivall dayes and Sabbaths. Therefore not every day in the week, nor thrice every day: they did not turn the houres of prayer into solemnne services, with piping and chanting, morning, and evening, and mid-day, as our new-fangled ceremony-mongers of late most audaciously attempted.

The Iews had but one temple in the whole world, and that was beautified with all manner of sumptuous ornaments, altars and vestments, for the Priests to offer sacrifices, which could be done nowhere els, it had singers also and musicall instruments. But the synagogues (which are answerable to Churches) where the Law of God was read and expounded every Sabbath day, had none of these ornaments, neither Priests, nor musicall instruments, nor altars, nor sacrifices, nor music, either instrumentall or vocall, neither should our Church have the like, because they are synagogues rather than temples. *Synagoga*, a congregation, an assembly.

ted to do in this Church of *Durham*, and did so indeed the space of two years without authority, contrary to the Injunctions, statutes and customes of our Church, which they were sworne to obseve.

Vitalianus himselfe was not so impudently presumptuous, who was the first Pope that brought Organs into Churches, not into his own Chappell at *Rome*, (for there they are not yet, nor ever were, saith Cardinall *Cajetan*) not to be used but onely upon Holy-Dayes: and this he did about the yeare of our Lord 660. about 60. yearts after *Gregory the great*, who would never have allowed such excesse of piping and chanting. Of this *Vitalianus* borne at *Signium* a town in *Italy*, thus writeth *Manthus*.

Signius adjunxit, molli conslatam metallo,

Organa, quae festis resonent ad sacra diebus.

First Pope *Vitalian* to the singers joyned his Organs,

Which might on Holy-Dayes at Service pipe to the people.

Athanasius that great pillar of the Church, which he supported against *Arianisme*, *Canendum sum in Ecclesie interdixit, vanitates fugitans*: In detestacion of superstitious vanities, he utterly forbad the use of chanting in Churches: but he forbade not the singing of Psalms in a plaine tune, by the whole congregation, which was then allowed, and highly commended by *Ambrose* and *Gelasius*, and practisid by the Emperour himselfe, as *Eusebius* witnesseth in the fourth Book of the life of *Constantine the great*: *Cantare primus incepit, unde oravit, conciones stans reverenter audire, adeo ut rogatus ut consideret, responderit, fas non esse dignata de Deo remisse & segniter audire*: This most famous Christian Emperour that ever the Church of Christ had, he first began to sing the Psalme, he joyned with the people in prayer to God; standing up reverently, he heard Sermons; insomuch as being intreated to sit downe, he answered, it is not lawfull to heare the doctrine of God slothfully and carelessly.

So that he used not the gesture of standing superstitiously, as a ceremony more holy then sitting or kneeling, as our upstart reformers do in this Church of *Durham*, compelling all the people to stand, looking about them like fooles and noddies all the time that the *Nicene Creed* is sung with the Organ, &c. which Creed they can neither say by heart, nor understand one word when it is sung. But onely that religious Prince stood upon his feet, that he might the more attentively heare the Word of God preached.

Neither

8

The singing of Psalmes commended and practisid by *Ambrose*, *Constantine the great*, *Basil*, and the whole Primitive Church: but organs and prick-forg were never heard of in the Church till Pope *Vitalian* brought them in.

Why *Constantine* stood to heare.

" Neither is it likely the Emperour, on whose shoulders lay the manningage of the weighty affaires of so mighty an Empire, had leisure to learn prick-song: but in a plaine tune he sung Psalmes to God with the whole congregation. Which singing of Psalmes in the vulgar tunes within these five yeares (now fifteen yeares) hath quite been banished out of *Durham Church*, contrary to the practise and custome both of this and all other Cathedrall Churches in the Realme of *England*, the Primitive Church also, &c. For thus saith *Basil*, if the Sea be faire, how is not the congregation assembled much more faire, in which a joyned sound of men, women and children (as it were of the waves beating on the shore) is sent forth to God? And the Book of Homilies report out of *Dionisius*, that hymnes were sung by the whole multitude of people in the Administration of the Communion.

Since the
year 1627.

But Pope *Vitalian* being a skilfull musitian, and a lusty courageous chanter himselfe, (saith a reverend Father of our Church) first brought into the Church prick-song, descant, and all kind of sweet and pleasant melody. And because nothing should want to delight the vaine, foolish, and idle eares of fond and phantaſticall men and woenen, he joyned Organs to his curious musick.

Thus was *Pauls* preaching and *Peters* praying (saith he) turned into vaine singing and childish playing, to the great losse of time, and to the utter undoing of Christian mens soules, which live not by singing and piping, but by every word that comes out of the mouth of God.

9 The Christians of the Primitive Church met together in secret caves and corners, for feare of persecutors, and there they sung *ante-Incanos hymnos*, as witnesseth *Pliny*, hymnes to the praise of God, in the morning before day, all the people sung together without any musicall instruments: of which *Justin Martyr* speaketh in his 170. Question: *Canere est pueris convenientius, non simpliciter, sed cum inanimis instrumentis canere, & cum saltatione, & crepitaculis.* To sing is a thing very agreeable to the nature of wanton children, which are not content with simple singing, but they will pipe also and dance, playing with their hands upon timbrels and tabers. But saith he, *In Ecclesiis sublatius est ex carminibus, talium instrumentorum, & aliorum pueris convenientius, & relium est canere simpliciter, i. simplex cantio manet.* Out of the songs of Christian Churches the use of such instruments is quite taken away, and such like childish toyes, and there is left onely simple singing in plaine tunes.

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Neither

Neither may we imitate the Prophet *David*, in bringing musi-
call instruments into our Churches, harps, lutes, trumpets and cym-
bals ; for that was a part of the Levitical service; in the taberna-
cle, and Temple, of which God himself was the author, not the
idle braine of man. *David* bids that Gods name should be praised
in the dance, and that praises should be sung unto him on the
tabret and harp: *Psal. 149.* And in the 68 Psalme he saith : *It is well*
seen (O God how thou goest, how thou my God and King goest in
thy sanctuary : the singers goe before, the minstrels follow after, in
the middest age the damosels playing on the timbrells.

We may not be so absurd, as (understanding literally this
mysticall song of the Prophet) to bring into this quire, even to
the Communion table, or Altar, as they called it, our Sanctuary, or
Sanctum Sanctorum as they make it, minstrels, and dancers,
boyes, and girls playing on timbrells, and tabrets; if we doe,
then may we also admit to the administration of the holy Commu-
nion, instead of decent Copes, ridiculous pie-bald vestments, used
a long time by the youth of this towne, in their sports and may-
games : which I my self have scene with great griefe of heart,
and many more besides mee, have oftentimes scene a party-
coloured fooles-coat (which cost 3. shillings 4. pence, worne
even there, at the Communion-table; *Macula indelebilis hujus*
Ecclesie, & opprobrium sempiternum authoribus tanta macule:
B. Neale, Burgoyn, Morecroft, the first introducers of altars,
images, tapers, candlesticks, with poultry copes.

10 The book of common Prayer, the Articles of religion, Injunc-
tions and Homilies, which containe the Doctrine of the Church
of England; the denyers and oppugners of which doctrine are not
found, but rotten members of our Church: those books I say, ap-
point, and command, all the service to be said and sung so as the
people may understand all, and be edified therby. But our new
fangled reformers of *Durham*, *Cox* himselfe, &c. have within
these five years brought into this Church such a strange change of
Services, nay such a confusion of the fore-noone Liturgie, that
the greater part thereof, can no better be understood, then if it
were in Hebrew or Irish. Nay the Sacrament it selfe of the holy
Eucharist, is turned rather into a theatricall stage-play, then a re-
presentation of our Saviour Christ his passion; At the administra-
tion of which so many pictures are exhibited to be scene, with o-
ther ceremoniall toyes and Popish trinkets, forbidden by the Act
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of uniformity, and injunctions; And againe, so strange, ridiculous, and idolatrous gestures, with excessive noise of Musickall harmony, both instrumentall and vocall, at the same time, as the like was never used before, either in this, or any other Cathedrall Church, not only of England, but of Spaine, Italy, France, and Germany, as travellers report.

11. Neither rest they contented with the horrible prophanation of the Lords Supper, with immoderate chaunting, and Organ-playing, and with other superstitious vanities; but the Sacrament of Baptisme also, they will not suffer it to be administered, without an heideous noise of musick, both of voyces and instruments.

As appeares on Sunday the seventh of September 1628. when a child borne in the Colledge was baptiz'd in the Cathedrall Church at Evening prayer, after the second Lesson as the Rubrick directs.

In the meane time while one of the Prebendaries baptiz'd the child (which is a principall part of Divine Service) two Prebendaries remaining in the Quire, commanded the Organist to play, and the Quire-men, and boyes to sing the rest of the Service, at the same instant that the Sacrament was administered, with such a noise, that they could not heare one another at the Font, to the great offence of many, and of Mr. Deane himselfe standing at the Font, who grievously complained of that insolent fact of two irregular Canons, disturbing most audaciously Divine Service, the like to which was never seene nor heard in any Church in Christendome.

Such immoderate piping and chanting, with setting up of Images and Altars, have beeene even in the beginning of Reformation disallowed, and banished out of the Church of England.

For in the second part of the Homily, of the place and time of prayer, we are taught to praise God, that our Church is rid of the like piping and chanting, and playing on the Organs (they are the very words of the Homily) that was used in Popery, and that our Church is delivered from those things which displeased God, so sore, and filthily defiled his holy house, and place of prayer.

¶ And againe, in the same Homily wee read, they have provoked the displeasure and indignation of Almighty God, because they have prophaned and defiled the Churches with Heathenish and Jewish abuses, with Images, Idols and Altars, too too superstitiously and intolerably abu'd, with grosse corrupting the Lords ho-

Not only the holy Communion, but the Sacrament of Baptism also hath beeene horribly profaned, as well with images on the Font, as also with immoderate piping and chanting, contrary to the doctrine of our Church in the Homilies. Blaxton and Cogan.

ly Supper, the blessed Sacrament of his body and blood, with an infinite number of toyes, and trifles of their owne devising, to make a goodly outward shew, and to deface the homely, simple, and sincere Religion of Jesus Christ.

But now we ought greatly to praise God, for that such superstitious and Idolatrous manners, as were naught, and defaced Gods glory, are utterly abolished, as they deserved.

12

They that disallow the doctrine of the Homilies, which is the doctrine of our Church, against such profanation of Sacra-

ments, what can they be but the whore of Babylon's bastardly brood? they are no true children of the Church of England.

12. This is the doctrine of our mother the Church of England, in her Booke of Homilies; which whosoever, borne and bred in the same Church, rejecteth, he can be no other then a bastardly brat of the Whore of Babylon, the Church of Rome, unlesse he repent, and renounce his foule errors, and returne with teares to the bosome of his gracious Mother, whom he hath most ungraciously abused and offended, by setting up Altars and Images, and prophaning the Sacraments, &c.

For to speake plainly, me thinks these words of the Homily, point out in lively colours this our Cathedrall Church of Durham, as now it is changed, from that it was lately in our former Bishoppes time, in which these filthy Jewish and Heathenish abominations, and intolerable abuses, which in time of Popery provoked the displeasure and indignation of Almighty God, and profaned the Lords Supper, the blessed Sacrament of his body and blood, being long since abolished, are now almost on a suddaine, restored againe with great advantage.

As appeareth by the immoderate piping, and chanting at that very time when the Sacraments are administered.

By having an excessive number of wax candles, whereof sixty on and about the Altar burning at one time.

By gilding and painting Images, and Angels, set up aloft round about the Quire.

By erecting a most sumptuous Altar, with brave furniture belonging therunto, amongst which I have scene abominable and Pibald Copes, used a long time at Masse and May-games.

By bowing downe, and worshipping the same Altars, so often, and so lowly, as never was scene the like in the Idolatrous Church of Rome.

13
Bowing to the Altar is an idolatrous Ceremony, brought in and practised by B. Neale and his Chaplains, Cofin, Linfie, Bur-

goin, corrupters of our Church with superstitious innovations.

13. But say they, we worship not the Altar, but God; wee bow the knee toward the Altar, not to the Altar, but to Christ supreame Lord, to whom all religious and divine adoration is due.

Whose death and passion are there represented at the administration

stration of that Sacrement ; Is this true ? then are the Papists more excusable, which believing the reall presence, of the true and natural body of Christ, by transubstantiation , they worship his body with divine worship, and the Altar in respect of his body and blood offered thereon in the sacrifice of the Masse.

But our Altar-worshippers , never bow the knee to Christ's body and blood, but to the Altar only , to the naked Altar , and that continually and daily, whether there bee a Communion or not, turning their backs to the Preacher in the Pulpit, and Ministers laying service , to the whole Congregation also , and the Bible it selfe, to which they never vouchsafe to make one leg ; as if there were more holiness in an Altar stone, then in the sacred Scriptures, the Booke of life.

These their doings are directly against the second Commandement, Thou shalt not bow downe to them, nor worship them ; for, either their worship is Religious or Civill ; if it be Civill, they are absurd Ideots, in shewing more civility to a stock or a stone, then to a poore man or woman, much bitter then any Altar-stone, if he be a true Christian , to whom none of them will bow their bodies so reverently.

If it be Religious, they are abominable Idolaters in exhibiting Divine worship, due to God alone, to such contemptible creatures, as is an Altar of wood or stone.

Again, either they bow to the Altar in respect of God, or to God in respect of the Altar, both which respects, joyning together God and the Altar, being religious, not civill, make their bowing Idolatrous , and themselves Altar-worshippers , (as Bishop Buckeridge Roch. faith, *Nec aliud pro illo, nec aliud cum illo* : We may neither adore another thing instead of God, nor another thing with God, for he is sole a God.

Moreover, every Image when it is worshipped, is an Idol, and seeing the Altar is not truly and properly an Altar , but *simulacrum, or similitudo*, an Image or likenesse thereof , therefore the bowing downe of bodies to it, or before it, in regard of some supposed holiness therein ; I say, that religious, not civill adoration, a prostration, makes it an Idol , and they that use such comely gestures (as they call them in their Articles) are *similares*, down-right Altar-worshippers.

Surely such comely gestures, neither we, nor our predecessors, since the reformation of Religion, ever saw in this Church ; no nor

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Comely gestures to the Altar, not to the Font, or ought else in the

Church. Altar cringers may as well be termed Altar-worshippers, as the Israelites Calf-worshippers.

Worshippers of God make not legs to God, but falling down, kneeling, or standing, they lift up their hearts, hands and eyes to heaven, as we are taught to pray,

Our father which art in heaven. When friends part one from another, they mutually make legs, taking their leave. When B. Lawd or D. Colins going out, turn back to make legs, do they take their leave of God? do they depart from God?

the name of an Altar; for the Communion Table was heard amongst us (as you may well remember) till very lately a company of innovators, Bishop Neales Chaplains and favourites began to corrupt and confound our old services, Sacraments, and Ceremonies.

14. They call them comely gestures, which are indeed Fryar-like, most ridiculous, and phantaſticall, and (as they are used in a principall part of Gods service) they are not onely hittrionicall, and mimicall, but impious and Idolatrous.

Why are not the like comely gestures used at the Altar of the Font, when the Sacrament of Baptisme is admindistred? Is not Baptisme as comely a Ceremony, because so many legs, and curches, no not one at all is made to the Font; Is not comelinesse fit for all times and places in the house of God? Must the Altar at the East end of the Church be so dickt unto, and worshipped with comely gestures, and the West-Altar want all comelinesse of gestures?

But it offendeth them, that they should be called Altar-worshippers, so it would have done the Idolatrous Israelites, if one had called them Calf-worshippers; for they professed themselves to be worshippers of God which brought them out of the land of Egypt, which they knew their golden Calfe did not.

Therefore Aaron built an Altar before it, and made proclamation, saying, To morrow is a feast to the Lord; Then the people shroited, and sang, and danced about the Altar, and the Calfe with great devotion, Exod. 32. and perhaps made low legs and curches, beholding so godly an object, a Calfe of gold whith religious admiration; as some of us doe to our gay-gilded Altar.

For every man and woman which makes a leg or curchee, they do it to some visible object directly before them; as Abraham and Lot did to the Angels that came unto them in the likenesse of men, and to the people of the land before whom they bowed themselves, with civill reverence, as Jacob also did, when he met his brother Esau, hee bowed his body thrice to the ground to appease his wrath.

But when they, or any else did worship God, they did prostrate themselves upon their faces, or fall downe on their knees, lifting up their hearts, with hands and eyas to heaven, they used not to make legs to God above in heaven, for whom daid you?

And this the very Heathen knew by the light of nature, for the Poet speaking of Cassandra, King Pryamus his daughter, which

was taken prisoner, at the burning of Troy, writeth thus in 2.
Aeneid.

*Ad cælum tendens ardentes lumina frustis,
Lumina, nam teneras arcebant vincula palmas.*

Vp to the skies in vaine her eyes *Cassandra* she lifted,
Eyes; for palmes of her hands from lifting manacles hind red.

She implored the help of God above, in her distresse, loo kind
upward, she made not a low curchie to God in Heaven, whom she
saw not: so it is said of *S. Stephen* in the seventh of the *Actes*,
*That he looked up to heaven, and saw the glory of God, and Jesus
standing at the right hand of God, and said, Behold I see the heavens
open, and the Son of man standing at the right hand of God.*

It had beeene an absurd thing in *Stephen*, to have made legs to
God the Father, and his Son Christ, whom he saw above his
head in heaven; as our leg-makers say they doe to God and Christ,
at the Altar before them.

For although God be every where, round about us, as well at
the Font, in the West end of the Church, as at the Communion
Table in the East: and although heaven be round about the world,
yet every man wherefover he be, even our Antipodes, are taught
by the light of nature to apprehend the glorious majesty of God,
to be above his head in heaven.

There to be worshipped, with lifting up of heart, hands, and
eyes, and not in those parts of heaven which are before, behinde,
on the right hand, on the left, or under our feete (as it seemeth) on
the other side of the world. Christ teacheth us to say, Our Father
which art in heaven.

Indeed the Gentiles which worshipped visible Deities in their
Images or annexed to them, bowed downe their bodies before the
same Idols, as that *Roman Q. Catulus* did, of whom *Cicero* re-
porteth these verses,

*Confiteram solam ex orientem forte salutans,
Cum subito a dextris Roscius exoritur.*

Vp as he rose once stood I the Sun with a congy saluting,
Roscius o'th right hand, when I spied on a sudden arising.

So that he bowed his knee reverently to the Sun before his face,
not above his head, no higher appearing above the Horizon, then
the height of Roscius standing on his feet.

In like manner our Altar-worshippers, bow their bodies downe
to the ground to the Altar standing on the earth, directly before

*He was a mifer
verses -*

their faces, yet they say they make legs to God, and to Christ, not to the Altar, then which what can be more absurd?

When they have done their prayers upon their knees, then to stand up and to make a low leg to God, and going out of the Quire doore, to turne about, and looking on the Altar, make a leg againe to God, taking as it were his leave of God, and farewell, departing from God, as one man doth of another, they take their leaves, bid one another farewell, when they part company, shake hands, and mutually make legs.

To teach the Coristlers going up to the Altar, to make legs to God, when they light the Tapers, and when they have done them, to goe backwards with their faces to the East, and looking on the Altar, make legs againe to God; at every approaching neere it, and every departing from it, at the taking up, or setting downe of any thing upon the Altar, ever and anon to make a low curtie, to make a profound leg to God, especially going out of the Church, as it were taking his leave and departing from God, which is a phrase of speech, as absurd as the action it selfe is vaine, superstitious, and Idolatrous.

15
D Co' n dis-
honoured and
reviled Chris-
tian people
in the
Church, yet
he made low
legs to the
Altar, so low,
that his
breech was
higher then
his head, as
was proved
before the
Lords in
Parliament.

Durham high
Altar the
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that ever
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world.

15. Again, are they not absurd Ideots, or rather incarnate devils, who in time of Divine Service, will take poore men standing quietly in the Church, and thrust them out by their heads and shouders, calling them Pagans; Why stand you here you Pagans, if you will not observe the Ceremonies of our Church, get you out of the Church.

Who will say to others, even Gentlewomen of the best rank, sitting in their pues; Can ye not stand you lazie sows? taking them by their armes, and tearing their sleeves to raise them up, when the Nicene Creed is sung; thus Doct. Cofin did.

Who going up to the Altar in a Cope, will say in his pride and contempt of poore people, stand out of my way ye dirty whors, dishonouring the Image of God in them, and immediatly make a low leg, downe to the ground, before his Idol the Altar, honouring it, being a stock or a stone, having unchristianly, and uncivilly, dit- graced, and abused his Christian brethren & sisters at the same time.

But the holy Altar, say they, is not a stock or stone, neither may it be called an Idoll: Not an Idoll? I doe not thinke that any Idoll in the world was ever so worshipped, as our Durham Altar hath beene.

Not the Image of Iupiter Olympius, or the Philistines Dagon, or
the

the Babilonians *Bell*, or the Trojans *Palladium*; not *Apis* or *Anubis*, *Oxe* or *Crocadill*, *Dog* or *Cat*, *qualia demens Aegyptus portenta colit?* or any other monstrous Deity of the blinde *Aegyptians*, that forlorne and miserable Nation, before the comming of Christ, who enlightned them with the knowledge of the *Go-spell*, was ever so worshipped, or had so much cost bestowed on them. When they once fell down on their faces before those *Idols*, they had done for that time; but every *accesse*, and every *regresse*; and every *turning*, and every *rising up*, and every *sitting*, and *kneeling down* of the *Priest* and others about the *Altar*, whether there be a *Communion* or no, hath a low leg to the *Altar*.

Neither are they common curtisies, ordinary legs, such as servants and petitioners use to make to their *Lords* and *Masters*, but they are wonderfull solemne, very profound incurvations, before the venerable *Altar*, so low, that they seeme sometimes to touch the ground with their noses and beards.

16. When it was a *Table* standing in the midst of the *Quire*, it was as good, and as holy as now it is being turned to an *Altar*, at the *East* end of the *Church*, yet no man or woman, bowed his, or her body to it then, as now they do in a prodigious manner.

Which superstitious ceremony of bowing to that *Idoll*, was generally received, and practised amongst us, but within these fourte or five yeares, by the example, perswasion, and compulsion of our new fangled *Popish Arminians*, without any warrant of Gods Word, or direction of the *Church*, in the *Book of Common-prayer*, *Canons* or *Injunctions*. Nay, it is contrary to the second Commandment, and forbidden by the *Act of Uniformity*, and the 22. *Canon*, and consequently punishable both in the commanders and obeyers.

The Communion table was never so worshipped with bovvin? down before it. And it is a forbidden ceremony both by the Word of God in the second Commandement, and the Church of England.

Our Saviour Christ, when he lived upon earth was bowed unto and worshipped, by them that acknowledged him to be the Son of God. The *Magi* *Wisemen* of the *East* fell on their faces, and worshipped him: they did it once, neither they, nor the *Shepheards*, nor the blessed *Virgin* his Mother, nor *Joseph* her husband, danced round about him lying in the *cratch* or *manger*, ever and anon making low legs before him, behinde him, on his right hand, on his left, now one after another, now all at once; as daylie is done at our high *Altar*, in *Durham*, sometimes far off, sometimes close by it, now at the *South* end, now at the *North* end, now at the *West* side, sometimes going forwaad towards it, sometimes going backward from

Our Durham Innovators, Cosm and his fellowes, which have obtruded to the Church such strange alterations of services and ceremonies, set up altars and images, and bow down before them, may they not rightly be termed superstitious Ceremony-mongers and idolaters?

May not the people be exhorted to communicate in their owne Parish Churches where the Sacrament is rightly administered, and so beare to receive it in our Cathedrall polluted with idolatry, least we receive our own damnation, as the Church of England teacheth in th: Homilies?

from it, still nodding their heads, and making legs and cuttisies: At which time a delicate noise is heard of Organs, Pipers, and Singers, filling the peoples eares with heavenly harmony, as was done when *Nabuchadonozers* golden Image was consecrated and worshipped.

17. They that lately have brought into our Cathedrall Church such fanatical topgeries, such unlawfull rites and abuses, whereby it is defiled, the service disordered, and the Sacraments prophane, as the Homily teacheth: They that without authority, and against authority, even the soveraigne authority of our religious Kings and Princes and Parliaments which establisched the whole forme of our Liturgy and Ceremonies, in decent and comely maner.

They that with an high hand, and great violence, durst presumptuously adventure, to innovate all things in our Liturgy, to overthrow the well setled state of the Church, to put us out of the possession of our Religion, and forme of Service which was left unto us by our Ancestors, and we had quietly possessed above sixty years.

They that not onely observe themselves, but compell others to observe and approve, their before mentioned ridiculous fooleries, superstitious vanities, abominations, and Idolatries, contrary to the custome and practise of this Church, contrary to the example of other Cathedrals of this Realme, contrary to Laws, which straitly forbid under great penalties, all Rites and Ceremonies not appointed, & prescribed by the Book of Common Prayer & Injunctions.

May not such rightly be termed new-fangled Ceremony-mongers, Idolatrous Altar-worshippers, seditious Innovators, schismaticall, factious, and turbulent breakers of the peace, and contemners of governours? nay rotten members, and rebellious sons of this our Mother the Church of England, whose doctrine and discipline they renounce, they corrupt and contemne it, they shoulder it out with Popish cashiered antiquities, and outlandish Arminian novelties.

18 Now I pray you, you I say, the people of this City, have you not Churches at home in your own Parishes, not yet polluted with Idols, and Communion-tables not changed into Altars, where you may receive with comfort the holy Communion, in plaine and simple manner, as our Saviour ordained, and the primitive Church practised, and the Church of England prescribeth.

But you must needs come hither, and wilfully make your selves par-

Partakers of our sins, and superstitious vanities, when you need not; seeing that the holy Sacrament is not rightly administred in this Church of Durham as it was in our former Bishops time.

And where it is not lawfully ministred, there it cannot safely be received without the danger of damnation. Take heed to your selves, I warned you before, even this time two yeares, and now I preach to you the same doctrine againe, that I may discharge mine owne conscience, and save both mine owne soule, and yours, if you wil heare & obey the voyce of God in this place out of my mouth, as I am charged to speake, and so do, in *Ezek. 3. 17.*

For thus the Church of England teacheth us in the Homily of the worthy receiving the Communion in the first part thereof.

We must addresse our selves, to frequent the same Sacraments, in reverent and comely manner, leſt as physick provided for the body; being misused, more hurteth then profiteth; so this comfortable medicine of the soule, undecently received, tendeth to our greater harme and sorrow.

But above all things, this we must be ſure of especially, (faith the Homily) that this Supper be in ſuch wife ministred, as our Lord and Saviour did and commanded to be done, as his holy Aſtrophe uſed it, and the good Fathers of the primitive Church freuented it. For, as that worthy father *Ambroſe* faſh, He is unworthy of the Lord, that otherwise doth celebraſe that mysterie, then it was delivered by him, neither can he be devout, that otherwife doth preſume to receive it, then it was given by the Author.

Now who knoweth not what ſtrange alterations have beeene brought into this Church, within theſe few yeares, how the Miſtiers of this Sacrament have preſumed lately to change in many things the administration thereof, not onely from the praſtice of the primitive Church, and the iſtitution of the author Christ; but also from the Rubricks, and Canons of the Church, and the anciēt uſuall cuſtome of this place.

For it is turned rather into a theaſticall Stage-play, where mens eare are filled with pleaſant tunes of muſicall iſtrumentes, and voyces of not communicating ſingers, and their eyes fed with pompoſe ſpectacles of glittering pictures, and hiftrionicall geſtures of men arrayed in maſſing and pibald, noſt decent robes.

And other unlawfull, ſuperstitious and vaine rites, and riſiculous ceremoniēs are uſed, with which that holy action is defiled and disgraced: Therefore I did well, and according to my duty and vocation

cation, in admonishing that Congregation then assembled, to receive as they were wont to doe, in their owne parish Churches, as our Church comandeth, and to forbear from communicating in this Cathedral Church, till things were amended, which lately were mar'd; left receiving the body and blood of Christ, in uncomely and unlawfull manner, it should tend to their greater harme and sorrow, as the Homily teacheth.

19 The celebra-
tion of the
Lords supper,
is the memo-
riall of his
death and
passion, cau-
ted by our
sins: therfore
it is a time of
lamentation
and weeping,
not of rejo-
cing, not of
pompous and
gloriouse ce-
remonies, not
of musick and
melody.

Augustine saith upon Psal. 31. *Tempus lugendi est, cum passio Domini celebratur, tempus genendi est, tempus flendi, tempus confi- tendi, & deprecandi;* When the Passion of the Lord is celebrated in the holy Communion, by the breaking of his body, which is the bread of life, and powring out his blood, which is the true aqua vi- ta, the refreshing, the comforting, the quickning wine and water of life to languishing and dying soules.

That is a time of mourning, a time of sighing, a time of weeping and lamenting, a time of confessing, and begging pardon, it is not a time of piping and singing, of wearing and beholding brave cloathes and pictures. And Cyprian saith, In the presence of the Lord, teares doe never beg pardon in vain, and the sacrifice of a cuntrite heart never receives repulse. And againe, he saith, in trea- tinge of the Lords Supper, and the receiving thereof, As often as I see thee sighing in the presence of the Lord, I doubt not but the Holy Ghost is breathing upon thee: *Cum intuer flentem, sentio ignoscere*, So often as I see thee weeping, I perceive God par- doning. And who comes to crave pardon of an angry King, and terrible Judge, whom he grievously offended, with many haynous crimes deserving death, who, I say, dare come into his presence, *Pompatico, & gloriæ*, saith Cyprian, pompously and gloriously, in flaunting apparell, in goodly Babylonish robes, imbroidered with Images of silver, gold and pearle, and with an excellent confort of Musitians singing merrily, piping and playing joyfully and jollily.

And D. Buckeridge the late Bishop of Rochester, now of Ely, saith very well, in his Book of kneeling at the Communion; What hath musick to do with mourning? or a song of mirth, with a day of the greatest sorrow, which is the Passion of Christ, when the seeds of contrition and repentance must be sowed with teares, that the harvest in Heaven may be reaped with joy.

And againe, we must come weeping before him, that offered up supplications, and prayers, with strong cries and teares to redeeme vs, *Heb. 5.7.* Wee must prostrate our selves humbly before our Judge

Judge that is offended by us, and weepe before him, whom wee would pacifie with our teares and compunction; So then, saith he, since we come to the Lords house, and table to pacifie him, let our cariage be such, that we stir him not to more anger; we must shut up our sensēs that they wander not; our eyes must see Gods beauty, not gad after vanities, and send teares as Embassadours: Our ears must attend the word of truth, not delicious tunes of muscall melody.

20 Why then are set before us so many objects of vanity, so many allurement of our outward sensēs, our eyes & ears, & consequently our minds from the meditation of Christis death & passion, and our sins which were the only cause of all our miseries, & his lamentable sufferings. Can such paltry toyes bring to our memory Christ and his blood-shedding? Crosses, Crucifixes, Tapers, Candlesticks, gilded Angels, painted Images, golden Copes, gorgious Altars, sumptuous Organs, with Sackbuts and Cornets piping so loud at the Communion table, that they may be heard halfe a mile from the Chureh? *Bernard saith, no.* *Orantum in se retorquens affectum, impeditum affectum:* Such glorious spectacles, draw away from God the minds of them that pray, they further not, but hinder entire affections, and godly meditations.

Such gaudy ornaments and paustry furniture as are used in Durham Cathe-drall at the Communion, with organs & other musicke, hinder godly meditations, therfore K. James when he received the Communion at Durham on Easter Day 1617. commanded all things to be done plainly without musicke or other bravery.

The consideracion of which impediments of devotion, moved our most learned and religious King *James*, when he received the holy Communion in this Cathedrall Church, upon Easter-day, 1617. to give charge, or at least in his same charge was given (upon my knowledge I speake it, and in my hearing, in mine own house) that the Communion should be administered in plain maner; & it was expressly commanded, that no chanting should be used by the Quiremen, nor playing on the Organs or other Instruments: Which my selfe being treasures of this Church at that time, and receiving the Communion with his Majestie (as my office required) I did see, & take order, should be performed, according to the Kings pleasure & direction; at which time there were no Images, or other gay and gaudy monuments of superstition and Idolatry to be seene.

Two Copes indeed were worne, both decent, as the Canons prescribe, not party-coloured nor pibald, like ours at Durham, but plaine without any picture, or other imbroiding of Crosses, or Images, which the doctrine of the Church of England, in the book of Homilies, and Injunctions, straigly forbids in our Churches to be used at any part of Gods service, especially at the Communion.

on-table, or in windowes above it. And shall we affect so exceeding and extraordinary bravery, such a deale and so great variety of delicious musick at the receiving of the holy Communion, an action of the greatest humiliation and mourning, which the religious wisedome of so learned a Prince forbade, and refused:

21 When we come to Gods house, and sacred table to pacifie him (saith the Bishop of Rochester, in his Book of kneeling at the Communion, pag. 19.) our carriage must be such, that we stir him not to more anger; and how can he but be angry, when we turne our mourning into merriment, our fasting and prayer into stage-playing, saith he? And again, in the same book, we must weep before him, to wash away our sins, and deplore and prevent our present and future misery: The depth of sin, saith he, pierced not only his hands and feet, but his heart also; in which he offered up prayers and supplications; with strong cryes and teares, that he might overcome the clamour of our crying sins.

And if our Saviour wept for us, the Redeemer for the redeemed, we have much more reason to weepe for our selves, and let none be found so prophanie amongst us, that when the son of God wept and suffered for our redemption, we should laugh, and make merry, pipe and sing at our condemnation, as if we were senselesse of our owne confusione. We may not presume to eat the bread of Heaven, and forget the duty of sinfull, and earthly men that are but dust and asher.

Reverend and dreadfull mysteries must have receivers that come with reverence and dread ; and such as our action is, such must be our affection, that is, to receive that with feare and trembling, (and not with piping and singeing) which is so fearefull and dreadfull in e selfe.

And then he concludeth, with this admonition; Behold thou
finner how great repreaches Christ suffereth at thy hands, who by
thy wilfull impieties, doest crucifie againe to thy selfe the Lord of
life.

And then resolve, that as Christ's hands, and feet, and head, and every poare and passage of his body, was a fountaine of mercy that runs in his blood: so thine heart must be as a spring of sighs and groanes, and thine eyes must be as fountaines of teares, to wash with Magdalen, not so much Christ's feet, as thine owne soule.

